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TOWN OF LYNN ORD
MARY E. ST. CLARE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, January 6, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the Meeting Bob Joyce, Sewer Commissioner, was present to tell the Board that he had been going to bring in a petition regarding the limiting of terms of elected office to two terms but his counsel has told him that this is more involved than he had first thought so he will not be bringing in the petition for this Annual Town Meeting but later. Mr. Joyce said there are still many people who feel there are loopholes in the present charter. Mr. Johnson asked him to look into three areas for him: 1. accountability; 2. terms for regulatory Boards should not be limited to two - it takes two terms to begin to know all the rules and regulations; 3. Town elections only draw 25 - 40% of the voters, so you have an educated electorate.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Sessions of November 8, 1991 and December 2, 1991.

Mr. Ready then presented Certificates of Appreciation to Fire Department members. He said that Firefighter Francis Conlin has passed away and that the Board wants to award him a Certificate of Appreciation for 30 years service posthumously. Margaret Conlin and her sons accepted the award. Mr. Ready then presented a Certificate to Firefighter Arthur Anderson, who is retiring after 33 years in the Fire Department. Fire Chief Robert Hughes was present for the presentations.

Jim Brough, 14 High Street, had turned in a petition asking the Board to put a question on the 1992 Town Election ballot. He read the names of the ten individuals who had signed the petition asking the Board to request our Senators and Representative to urge Congress to cut the defense budget by 10% each year for the next five years. Mr. Johnson said that as long as they have the ten signatures needed we should vote to put the question on the ballot and let the Townspeople vote. Mr. Lynch said he will find out when the Board must vote to accept the petition or not.

Mr. Merwin Nixon, 7 Marshall Street, was present to ask the Board for an Emergency Street Opening Permit to his home at 7 Marshall Street. Mr. Nixon said he is declaring an emergency at his home, since he has no hot water and his electric water heater is gone. He has looked into both gas and electric heaters and gas is much more economical if the Board will grant the Emergency Permit. He can have the gas installed at no cost, and also the rental of the

heater and other services. Mr. Lynch said the By-law says there shall be no street openings after November 15th, since weather conditions make patching difficult, and added that DPW Director Pearson had declined the request, saying that it was not a real emergency.

Mr. Johnson commented that we had a similar situation on Bartlett Street a couple of years ago when a permit was granted, and this is only the second request in his six years on the Board. Mr. Lynch commented that Marshall Street is not in the best condition and one cut won't really hurt it.

Motion by Mr. Johnson, seconded by Mr. Logan, unan. to grant the Emergency Permit.

The Board then met with Peter D' Ambruoso, owner of Old MacDonald's Chicken Farm of North Chelmsford. Mr. D' Ambruoso said that when they applied for their license he wasn't sure how the entertainment license should be approached, and he wants the Board to make him aware of what he should do.

He understands that the current entertainment license is only for functions, and since business is so slow he wants to hold dances, with a one-man band and slow dance music. He has contracted with Ray Marquetti, entertainer at the Turkey Farm in Nashua. He would play in the lounge and the function room, both on the back side of the building. There will be no "rap stuff", and no loud lounge-type music. He would put it in writing that there will be no rock music, only 40's and 50's type music for couple dancing. They have booked the Booster Club and Cub and Boy Scout banquets, and the one-man band will provide entertainment. They will serve chicken hors d'oeuvres in the lounge, and have quiet, live entertainment. Mr. D' Ambruoso said that they have a problem with their midnight closing, that they did not even open on New Year's Eve, and Mr. Ready told them to ask for an extension for New Year's Eve next year.

Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant permission for Old MacDonald's to have quiet, live entertainment in their lounge. Vote was 4 in favor, 1 abstention (Mr. Logan).

Attorney Gregg Haladyna, of Geary and Haladyna, representing the Chelmsford Housing Authority, appeared before the Board to ask their support for a Comprehensive Permit the Authority is seeking from the Board of Appeals. It is their intention to put a 2-unit residential building on a parcel of land they own adjacent to the Senior Center on Groton Road. CHA Chairman Ruth Delaney had presented the plan to the Board prior to the October Town Meeting, at which an easement was voted for the sewer line. The CHA has received funding from the State and is applying for the Comprehensive Permit on January 16th.

Architect Barry Buchinski presented the site plan and a 3-dimensional model of the 4,600 sq. ft. building. Ms. Delaney said that this is a basically a Respite Care facility, with 8 bedrooms, and that the clients who may be handicapped or retarded will be there overnight, but not on a permanent basis. Motion by Mr. Johnson, seconded by Mr. Logan, unan. to send an endorsement to the Board of Appeals on this project.

The Town Manager explained the process for placing a question on the ballot. If the BOS turns down a petition with 10 certified names on it, the petitioners can obtain the signatures of 10% of the registered voters and the petition will automatically go on the ballot.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to place the peace petition on the ballot for the April 7 Town Election.

Selectman DeFreitas then made a presentation to the Board on his Entrepreneurial Support Project (ESP), reading a letter he had sent to the Town Manager and the Board. He gave the background of what led to him starting the project, his own unemployment and finding that there are no jobs available and the situation is getting worse. He feels that the economy is not good for employment but good for starting a new business. He is forming ESP to complement Mr. Logan's Economic Development Partnership. He will bring together unemployed local professionals basically but anyone who wants to start a new company or enterprise is welcome to come to the meetings. The only requirement is that the person be a resident of Chelmsford. He will create a data base and a register of persons involved. He himself will help anyone do a business plan, and has asked to hold meetings in Room 204 on alternate Monday evenings. The first meeting will be January 13, 1992.

Mr. Blomgren and Mr. Logan both suggested that he contact WIN, a local group for unemployed with app. 300 people involved. Mr. Ready commented that he doesn't think that WIN is a networking group, that EPS sounds different.

Mr. Blomgren suggested that he use Cable 43 as a bulletin board. Motion by Mr. Logan, seconded by Mr. Johnson, unan. that the Board of Selectmen support ESP and ask the press to do the same.

Under Reports, Mr. Ready said he had received a letter from Funk and Wagnall's Encyclopedia and is turning it over to Mr. Logan's committee to do an update on the Community's businesses for the encyclopedia.

Mr. Logan requested that a representative from Independent Delivery Service be present at the January 27th meeting and if they will not attend Mr. Logan will make a motion to have them banned from delivering in the Town. He had another call from a resident today complaining about unwanted deliveries.

He reported that the EDP committee is meeting for the first time on Friday at 7:30 am at the Courthouse Raquetball Club. The public and press are invited for this one time.

Mr. Logan also reported that the Traffic and Safety Committee is meeting on January 15th.

Mr. Johnson asked about the truck parked under the 495 overpass on Rte. 110 and moved to give the owners one more week to get it out of there, or have it towed to the Highway garage. Motion was seconded by Mr. Logan. The Town Manager said that the truck is not on Town property but he will make it a top priority to contact the State. Mr. Blomgren said make sure it is legal to do this. Vote on Mr. Johnson's motion was 4 in favor, 1 opposed (Mr. Blomgren).

The Town Manager reported that the first part of the Personnel Rules and Regulations has been completed and adopted by the Personnel Board. He thanked all members of the Board, including former member Penny Fitts.

Under Other Business, a petition was received for a change in manager at Ted's Market, Chelmsford Street, from the late Julia Chianis to Pearl Koulas. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to approve this change in manager.

Under Licenses that have not been renewed Tony's Used Cars was in violation of the Sign By-law. Chairman of the Sign Committee John Harrington was present and said that Mr. Ferreira is coming before his committee next week.

Karol Kapala from KAP Liquors was present. His license has not been renewed because he owes back taxes. He presented a letter from a bank stating that they will make a loan to him so he can pay the taxes, but it is not finalized yet. Mr. Ready asked if he will know by the 27th and he said he hopes so. Motion by Mr. Johnson, to table until the 27th. Mr. Blomgren added that he wants to make sure not only back taxes are paid but that they will also stick to a payment schedule. Motion seconded by Mr. DeFreitas, unan.

Early Bird Snack Bar - still owes Personal Property taxes, and no one was present. Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to send a Certified Return Receipt Requested letter that we will rescind their license on January 27th if the taxes are not paid, and post a Public Hearing.

Tony's Used Cars - motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to send him a Certified Return Receipt letter that we will be voting on the renewal of his license on January 27th and post a Public Hearing. Mr. Lynch said that this is an issue of zoning, that the Building Inspector says he is not in compliance with the Sign By-law.

Motion by Mr. Johnson, seconded by Mr. DeFreitas, to vote to renew the licenses on the list that were not renewed on December 16th. Vote was 5 in favor, with Mr. Logan qualifying his vote to include only those establishments that are not in conflict with The Courthouse.

On Policies Previously Presented, motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the policies and procedures on licenses.

The Town Manager said that he has appointed Kevin Cody, 96 Richardson Road as Veterans' Agent at a salary of \$24,000 per year, with full benefits. Mr. Lynch said we advertised and received app. 20 applications. Mr. Cody has outstanding qualifications, and will have an office at the Senior Center. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan., to support the Veterans' Agent appointment.

Under Contract Awards, Mr. Lynch said that the audit firm of Brown and Barrett will extend their contract for three years. Mr. DeFreitas said he would approve a 2-year contract. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve a 2 year contract at \$21,000 per year and have Brown and Barrett attend a pre-engagement meeting with the Board to cover the areas of focus and areas of concern that the Board has.

Under New Business, Mr. DeFreitas and Mr. Logan both said that they want to ask people to run for Town Meeting Rep, that there should be at least 12 - 15 running in each precinct.

At 8:45 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Cantu



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Regular meeting of the Board of Selectmen held Monday, January 27, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session, Harriet Fishman, Massage Therapist, was present to ask the Board how to change the zoning by-law so she would be able to treat her clients out of her home at 70 Crooked Spring Road. Mr. Ready told her that we have no zone for massages and when they were permitted formerly, it was under the Board of Health. He added that if she brings in a petition with at least 100 signatures by February 10th, the Board would probably call for a Special Town Meeting within the April Annual Town Meeting.

Sam Poulten and Linda Allen were present from the Democratic Town Committee re the congressional redistricting plan proposed by the Legislature. He is asking that a letter from the BOS be sent to everyone involved asking them to please keep Chelmsford whole and attached to Lowell. Mr. Poulten also invited everyone to their meeting on Thursday to discuss redistricting and jobs in this economy.

At 7:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 7:40 p.m. the Board returned to Open Session and Mr. Ready called the meeting to order. Mr. Logan read names and presented certificates to Girl Scouts from Troop 806 who were in attendance at the meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of December 16, 1991 (Regular and Executive) and the minutes of January 6, 1992.

Attorney Jane Brock Wilson and Mike Adams, area supervisor, were present from Papa Gino's petitioning for a change in corporate ownership from Papa Gino's of America to Papa Gino's Acquisition Corp. Atty. Wilson read a statement giving the background of the acquisition and the principals involved, and noted that Bonnie Grisevich is the current manager of the Chelmsford store and no change is anticipated. Mr. Ready noted that this past December when they inspected for liquor licenses it was the best inspection Papa Gino's has ever had.

Motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the transfer of ownership subject to the condition that the general operating practice will remain the same. Vote was 4 in favor, 1 abstention (Mr. Logan due to a conflict of interest).

The North Chelmsford Auto Parts Class III license renewal was then discussed. Mr. Johnson said it appears that Town Counsel seems satisfied that we can extend the license until June 1, 1992 and the problem should be solved by then. Motion by Mr. Johnson, seconded by Mr. Logan, unan. to extend their Class III license to June 1st as recommended by Town Counsel. Mr. Ready explained the background of this matter to the Girl Scouts.

Michael DeCellis, Manager of the Carrier Delivery of the Independent Delivery Service of Beacon Publications, was present at the Board's request. Mr. Ready told him that Board members are receiving many complaints re their delivery service. Mr. DeCellis submitted a list of Do Not Deliver and a memo sent to all their agents and employees. He explained that the first time a carrier delivers to someone on the DND list he is suspended for a week and if there is a second occurrence, the carrier is terminated. He mentioned the names of John Harrington and Dr. Paul Canniff and said he has tried to contact them both. Mr. Logan said he had asked people to call him and they have. He said the big concern is if the papers pile up, a house could be broken into. Mr. Johnson said the next time we get a complaint, we will suspend their town wide deliveries for a week. Mr. DeCellis asked if a Town can ban a newspaper company from Town, and added that they have 23 other Towns with no problems like Chelmsford. He really wants the problem to stop and showed the Board his route book, adding that there are some problems in the house or mailboxes are not marked with street numbers. Mr. DeFreitas said if he has to come before the Board again, bring his contact sheet of follow throughs on complaints.

The Board then held a Dog Hearing against the Doberman owned by Larry Harmon, 35 Grandview Road. Mr. Ready swore in everyone who wished to testify. Dog Officer Frank Warren said that from April 28, 1991 to Jan. 11, 1992 he had received 14 calls re a barking dog at that address. The dog was barking at odd times, anywhere from 7:45 am to 3:00 am. He has only seen the dog once so they must let him out at night. He has not heard the barking, but the police have. Mr. Ready said the Town Clerk indicates that the dog has not been licensed since 1987. The dog owner was not present at the hearing. Mr. Johnson moved if we get one more complaint the dog should be banned from Town and Mr. Ready said he should be if he is not properly licensed. Peter Kingston, 43 Grandview Road, said he has called the police at night quite a few times and no one answers the door when the police come. He added that he spoke to the owner in July and the dog still barked all night and now the dog is being left out in this cold weather, too.

Dr. Roy Steiman, 25 Grandview Road, said the dog was barking at 3:00 am this morning and he called the police. He had spoken to the owner last April.

Barbara Kingston, 43 Grandview Road, said that the police have come when called but they go to the front door and can't hear the dog. The dog is in a "jetty" at the back of the house.

Carrie Steiman, 25 Grandview Road, said the dog is a dangerous dog, that he has come after her dogs and said that there is also another dog in the Harmon house. She has gone to the house and no one will answer the door.

Since the dog owner is not present and we have not received the Return Receipt card, Mr. Johnson moved, seconded by Mr. Blomgren, unan. to Table the hearing until Feb. 10th and to send a letter to be hand carried by the Police Dept. to Mr. Harmon stating that if: 1. he does not attend the next hearing; 2. if he does not pay the back license fees; 3. if he does not restrain the dog so he won't bark; or 4. if we receive another complaint the Board will vote on Feb. 10 to have the dog removed from Town.

Under Reports, Mr. Ready said that we have a new microphonse system in the meeting room donated by the Chelmsford Businessmen's Association and President John Harrington said we can definitely hear better in the audience. Mr. Johnson asked to especially thank Paul Sullivan, who installed the system, and he received a round of applause. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to send a letter of appreciation from the Board to the Association.

Mr. Ready asked the Town Manager about the quarterly tax bills, noting that a resident Harry Rubenstein had complained that there are no reminders. Mr. Lynch said we have tried to work on this, that one idea is that the residents can give us self-addressed postcards to send to remind them. We are trying to get money in the FY93 budget to actually send bills quarterly.

Mr. Ready said he had attended the first meeting of Mr. Logan's Economic Development Partnership and Mr. DeFreitas' ESP program and was very impressed with the attendance at each and the enthusiastic attitude of those in attendance.

Mr. Logan said we had asked for an update on repaving Littleton Road and the Town Manager gave the background on the matter - the Sewer Commission has an agreement with the developer, who is supposed to pay \$400,000 for repaving. The money will go into an account, with \$10,000 for each unit sold. They hope to have something done by June, 1992. Mr. Logan said that the Traffic and Safety Committee discussed this the other night and want to make it a priority, and Mr. Lynch said the State is also concerned.

Mr. Logan said he has talked with the Police Dept. about soliciting after hours and there is no law on non-profit organizations.

He reported that the proposed traffic lights on Hunt and Littleton Roads have received final state approval and there is \$120,000 in an escrow account. He congratulated Mr. Lynch and DPW Director Jim Pearson on accomplishing this.

Mr. Logan said re the proposed change in the LRTA Route by Edward Ganshirt of Lexington, there will be a meeting between Mr. Ganshirt and the LRTA

He said that his Economic Development Partnership is going nicely, and the first thing they want to do is to get a prospectus together about the Town. They want to have a booth at the MMA Trade Show next year. He said that Mr. DeFreitas is working from the bottom up, and his group from the top down, and both are going to mesh.

Mr. DeFreitas reported that he went to Mr. Logan's meeting and was impressed. His ESP group had 26 applicants at the first meeting and their next meeting is February 3rd, at which time Dick Main will talk on starting a new business. He has received offers of help from companies and individuals, and they will be offering discounts to members.

Mr. Johnson congratulated both Mr. Logan and Mr. DeFreitas on their enterprises and said that both show a very positive intent. He reported that Purity is moving to Vermont and other Greater Lowell area communities are asking them to reconsider the move. He is asking the BOS to do this also - ask them to save the plant and jobs in this area, and if they don't want to stay in Billerica, we could take them in Chelmsford. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to do so. He thanked Mr. Lynch and Marian Currier of his staff for getting the truck that was parked under the Rte. 495 bridge moved. He also thanked the Boston Herald for a good article about Chelmsford.

Mr. Blomgren reported that if realtors have prospective companies who might consider moving to Town he would be glad to call on them, and maybe Mr. Ready should send a letter to commercial realtors. Mr. Ready said that Mr. Logan's committee should draft this letter and send it out. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to do so.

Mr. Blomgren asked if we have enough snowplows under contract for a major snowstorm and Mr. Lynch said that last year we developed a mapping system, holding plow drivers to certain routes. Drivers also have to meet certain standards, and we have filled all the routes of any drivers let go. Mr. Blomgren said a resident had questioned him. Mr. Lynch said we wait for app. 3

inches of snow before we start plowing. It costs \$4,000 - \$5,000 an hour after that, for a minimum of 4 hours, but our first priority is public safety.

Under Town Manager Reports Mr. Lynch reported that the budget is moving along and he is waiting for a few final figures. He is glad the Governor has level funded State Aid but we will get \$200,000 less than last year.

In the budget request to the School Dept. the base includes the \$950,000 override and he has added \$650,000, which is 4% over FY92. They may have Chapter 70 monies.

Mr. Lynch has sent a letter to the Board of Health asking them to investigate possible uses for the capped landfill on Swain Road - to sell methane gas, or use as a green area.

At the next meeting Mr. Lynch will have a list of the 20 Town Meeting articles, including two re-zoning articles.

Under Other Business, Mr. Lynch noted that KAP liquors has paid their taxes in full today, and are showing a good faith effort. Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to renew their license for 1992.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Voter Registration dates as requested by the Town Clerk.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Town Clerk's recommended polling hours for the April Town Election, 10 am - 8 pm. The site for the Annual Town Meeting is tabled until the Feb. 10th meeting.

Motion by Mr. Logan., seconded by Mr. DeFreitas, unan. to approve the installation of a Stop Sign at Ansie and Turnpike Roads, as recommended by the Safety Officer and the Traffic and Safety Committee.

Mr. Lynch explained the summer pay referral for teachers, which was rejected by the Nashoba Valley Technical High School District. the Town must endorse their refusal. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Mr. Ready said that the Democratic Town Committee is against the congressional redistricting plan, and we have a letter from Lowell City Manager Richard Johnson against the proposed plan. Motion by Mr. Rhodes Johnson, seconded by Mr. DeFreitas, unan. to send a letter to the Governor and appropriate parties stating a. we want to see all of Chelmsford kept in one district, coupled with Lowell, and b. we do not want to see Lowell coupled with Worcester.

Mr. Lynch said he has appointed Kit Harbison to the Cultural Council, replacing Sandra Stewich. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to support this appointment.

Under New Business, Mr. Ready commented that Rep. Susan Rourke has been appointed to a committee on the environment. He moved to send her a letter, telling her that we closed our landfill when it was still flat and we expect that Lowell will adhere to the timetables that DPE has sent them.

Mr. Ready said his mother had read an article about the contaminated soil around underground gas tanks and a DPW worker had suggested taking them to highway yards to use in "mix in place". He asked the Town Manager to look into this concept.

Mr. Ready said that the Town might be able to stimulate the economy by enacting a by-law that no personal property tax will be charged this year on products manufactured in Massachusetts. He asked the Town Manager to look into the legality of this.

Mr. DeFreitas said he wants to see the Board invite all BOS candidates to come to speak before the Board for two minutes during Open Session and ask Channel 43 to cover this. Mr. Ready said this should be an annual event and invite them for the first BOS meeting after the close of nomination papers. Motion by Mr. Johnson, seconded by Mr. Ready, to do so. Vote was 4 in favor, 1 opposed (Mr. Logan).

Mr. Blomgren asked for the status of the Solid Waste RFP's. Mr. Lynch said he will report on the status of trash and recycling at the next meeting.

Mr. Blomgren asked if there has been a change of owners at the gas station at the corner of Alpine Lane and Chelmsford Street.

Motion by Mr. Defreitas, seconded by Mr. Logan, unan. to grant license renewals for 1992 to Tony's Garage and Early Bird Snack Bar.

At 9:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn the meeting.

For the Board of Selectmen, by

J. L. E. Cate

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Regular meeting of the Board of Selectmen held Monday, February 10, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting Tom Moran, Precinct 3 Town Meeting Rep. was present asking the Board to help with a problem residents in his neighborhood are having with the Stoney Brook Rod and Gun Club (also called Fish and Game Club). Although the club is in Westford the abutters are predominately from Chelmsford. Mr. Moran said the club has undergone a great expansion during the past two years, adding that the homes in the area are about 30 years old, the gun club was there first and there were no problems for 20 years but they have added a second skeet shoot and archery shoot. There is now a public nuisance, with shooting from dawn to dusk and an incredible noise. Mr. Moran feels they are denying the neighbors the right to enjoy their homes and said that last fall they had 400 - 500 people from all over the state. He asked the Board to help provide some relief from the noise.

Mr. Ready said that he and Sel. DeFreitas have met with Westford Town Manager Bob Halpin. We will try to set up a joint meeting with Chelmsford and Westford and will contact the neighborhood through Mr. Moran as their rep. The Board is supportive of the neighbors and Mr. Ready said that Westford has historically been very cooperative with us. Mr. Moran said he has tried to call the Club to meet with with them but to no avail. He said the shoots are much too close to the homes in Chelmsford, and the club's operation has gotten much too big for the neighborhood.

Tom Mills, Precinct 7 Town Meeting member, addressed the Board about the latest flyer sent out on the Recycling Program. He said he had received it in the mail on Jan. 29th asking him to sign up for 6 months of recycling. By that date he would already have missed 3 pickups, and he doesn't understand the reasoning and math used in the flyer. He also gave reasons not to recycle newspapers and said that the glass and metal recycling by-law supposed to take effect in 1993 won't be implemented. He asked Mr. Lynch if recycling deficits will be made up out of enterprise funds, and also asked how effective the flyers were - the cost of the flyers, postage, labor, and how many new people signed up. He also noted that there have been no tonnage figures from Laidlaw for 14 months, and it is in their contract that they must submit these figures.

Attorney Joseph B. Shanahan, Jr. was present with a petition under CH 39, Section 10 - a rezoning article. He is requesting an article be placed on the warrant to rezone a 21-acre parcel of land off Mill Road and Route 129, now zoned IA, to residential. Mr. Logan left the room during this discussion.

The principals on the Stonegate real estate project have an agreement with the owner Ray Carye to purchase this property, subject to rezoning it to residential. His clients wish to buy the property and downgrade the zoning - to put up more condo units. They could have up to 148 units, but are proposing to build only 83.

They are asking to put it on the warrant because: 1. it is an attractive proposal; 2. Mr. Carye owes the Town money and this sale could help the Town; 3. the Board wants an economic upturn and this would be part of it.

Mr. Ready said this article would be too late for the Annual Town Meeting, but the Board is considering a special meeting within the annual meeting. They are also considering delaying the ATM until late May. Mr. Logan returned to the meeting.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of January 27, 1992 (Regular and Executive).

George Simonian, CHS Alumni Association, was present to tell the Board about the induction into the Second Annual Hall of Fame on March 21st at the Radisson. He read the names of the inductees and asked the Board and residents to attend. Mr. Logan commented that the Hall of Fame Committee had 24 nominations, and it was hard to choose only nine.

Arthur Stratton from New England Telephone Company to request the relocation of one pole on Groton Road 12 feet in a westerly direction. The height of the pole will be raised from 35 to 40 feet so the wires on the pole can also be raised. There will be no work in the roadway.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the relocation of the Groton Road pole.

Mr. DeFreitas asked Mr. Stratton to look at the poles in the middle of a few streets off Riverneck Road in East Chelmsford, e.g. Canal Street.

Attorney Dennis McHugh, representing Harriet Fishman, spoke to the Board presenting a petition requesting an article be placed on the warrant to amend the zoning by-law Article 5 to include massage therapy as an exclusion. Richard Day will have the Board of Health regulations on massage parlors. Mr. Ready said that the Board will be required to call a Special Town Meeting within the ATM, since we have two petitions and have done this many times before, since there is no extra cost to the Town if the Special falls within the ATM. Mr. Logan said that there is an economic hardship on Ms. Fishman and she has submitted 100+

signatures.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to call STM within the first night of the ATM at such time as the date is set by the Board of Selectmen.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to place the massage therapy article on the STM warrant.

The Tabled Dog Hearing on the dog owned by Larry Harmon, 35 Grandview Road, was brought up for discussion. Mr. Ready said that Mr. Harmon had called him early this evening and said he could not attend the hearing because he has the flu. He is asking to have the matter tabled until February 24th, at which time he will have all his back license fees paid.

Motion by Mr. Logan to table the hearing until February 24th. Mr. Blomgren amended the motion to send a second letter, Hand Delivered by the Police Department, to Mr. Harmon restating the conditions in the last letter, that he be present at the next hearing, that he pay all back license fees for his two dogs, that he keep his dog from barking excessively and that we receive no more complaints. Motion was voted unanimously in favor.

Town Counsel James Harrington was present to update the Board on the status of the Town's insurance coverage in the harassment suit brought against Bernard Lynch by Beth Kinney. He gave the Board the background of the matter, how the two companies we were involved with differed, and how finally he made demand on National Casualty Company.

Mr. Johnson arrived at the meeting at 7:45 p.m. They will take on the full defense of all claims against the Town Manager and the Town of Chelmsford, including any judgements or settlements and any prior legal expenses. There were extensive reviews of all the Town's policies by the Town Manager, Mr. Harrington and the Consultant. Mr. Logan and Mr. DeFreitas both congratulated Mr. Harrington on saving the Town thousands of dollars and Mr. DeFreitas asked for the cost difference. Mr. Lynch said we will save about \$5,000 this year and now can go with the MIIA package at \$5,000 less. Mr. Lynch added that both our Public Officials and Police Liability policies turned out to be deficient under Monticello and they did not meet our bid specs. Mr. Blomgren asked if the bid award had been reviewed by our consultant and Mr. Lynch said yes, that they met our specs overall but more and more exclusions appeared. However, there were no costs incurred by the Town during this process. Mr. Harrington added that the Town is incurring no losses, that if we had inadequate coverage and a claim was filed, we would sue the consultant. Their bid met with our requirements, and it was not until the policies were examined were the exclusions uncovered.

Mr. Ready congratulated Mr. Harrington on a great job.

Town Manager Lynch then went over the Town Meeting articles:

1. Hear reports.
2. Recreation Revolving Fund: legislation was passed last year and under the new law there is more flexibility with user fees. The law is passed through the State and now our Town Meeting has to approve.
3. Sewer Betterment Money: \$1.3 mil to be put towards Debt and Interest, which will have an effect on overall taxation. There will be about a 2% increase for next year.
4. Charter Change re appointing powers of BOS - Mr. Ready said this is a very simple language change, that the BOS should appoint any Town policy committees.
5. Budget - he will have a detailed presentation for February 24th.
6. Capital Planning Budget: the target is \$1 mil for capital improvements; \$64,000 from the Stabilization Fund for 4 cruisers
7. Cemetery Improvement Fund: transfer from sale of lots and graves to improvement.
8. Compensating Balance Agreements
9. Late Bills (none yet)
10. Audit - to provide for \$21K. Mr. Blomgren asked for a draft FY91 report to be presented at ATM.
11. Finance Committee Reserve Fund - standard
12. Sand lease - \$20K per year for 10 years
13. Street Acceptances
14. Accept provisions from NVTHS to accept app. \$18K
15. Free Cash (to be put towards budget)
16. Sewer Eminent Domain Takings
17. Sale of property - now has to go out for competitive bid
18. Assessor's Increase in Exemption for Blind
19. Senior Tax Rebate - proposed volunteer services to the Town for a tax reduction
20. Non criminal disposition action - general by-law - will allow Town Clerk to collect
21. Petition - No. Chelmsford Water District to re-zone property on Swain Road
22. Early Retirement provisions - a local option the Town may have to accept - we may know by the end of February.
23. Insurance Sinking Fund Transfer
24. Zoning for Gingerale Building - Littleton Road
25. Re-zoning petition - Chelmsford Mall
26. Massage therapy bylaw change
27. Re-zoning change - Route 129 and Mill Road

Mr. Lynch said he is suggesting that Articles 20 - 27 would be good articles for a STM.

He said that he has met with the Supt. of Schools and the CH of the School Committee and they have budget concerns about what will they get from the State - if nothing, they have serious budget problems. There is \$478,000 still to be made up. Mr. Lynch said he is recommending delaying ATM to May 18, 21, 25 and 28.

Mr. Ready said he has counted 18 non-budgetary articles and suggested starting on April 27th with those and delay the budget as long as possible by meeting on April 27, May 4 and May 18 and putting budget articles last.

Mr. Lynch said he will have the language for the articles by Feb. 24th.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to start ATM on April 27th, and continue to May 4 and May 18 and all other times to be set by Town Meeting and the by-law.

Under Reports Mr. Ready said that during Open Session Attorney Shanahan turned in a petition for an article on the STM warrant. Mr. Logan stepped down from this discussion. Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to include the Mill Road re-zoning article on the STM Warrant. Vote was 3 in favor, Mr. Logan not voting due to a possible conflict of interest and Mr. Johnson not voting because he was not present during the discussion.

Mr. Ready commented on two articles re Chelmsford in the papers recently - Paul Sullivan in the Lowell Sun and the Boston Globe's Community Profile on Saturday. He would like to send a letter to the professional columnist at the Globe thanking him for the good article, and a copy of the article and the letter to the non-professional journalist at the Sun.

Under Reports, Mr. Logan asked where are we going with Blueprint 2000 - Mr. Lynch said that it has been put on Hold, that it was a joint committee with reps. from the FinCom, BOS, School Committee, Town Manager and Supt. of Schools, and should be revised.

On the matter of the Independent Delivery Service, he said he has received another list of DND's and a letter from Michael DeCellis saying that they are still working on the problem. He again asked anyone receiving unwanted deliveries of this material to contact him.

Re the Licensing of Solicitors he has learned that the policy in Town is profit organizations may solicit from 9 am - 6 pm and on non-profit groups we have no by-law at present.

Mr. Logan said he agrees with the news articles - that Chelmsford is the best place to live.

Mr. DeFreitas reported that at his second ESP meeting there were app. 30 people in attendance. He has posted a bulletin board outside Room 204, Town Offices and the next meeting is scheduled for February 19th.

Under Town Manager Reports, Mr. Lynch said that he has looked into the using of contaminated soil from around storage tanks. It could be used at the Highway yard as "mix in place" except we no longer use it. Brox Co. in Dracut does take the soil and use it as mix in place if delivered, and the DEP has to approve the transportation of contaminated soil.

On the Budget, he will give a package to the FinCom Wednesday night and will make a more formal presentation to the BOS, FinCom and School Committee on Feb. 24th.

On the Solid Waste Program and Recycling Programs, Mr. Lynch said that the newest recycling mailing cost \$661 to mail out and we have received \$720 to date as a result of the mailing. Our receipts are 66% of what we have anticipated for the year, and we expect a deficit of \$75,000 total for solid waste and recycling. 6900 (69%) of the households in Town participate in the solid waste program and 5135 (59%) participate in the recycling program. The amount of trash is up 5% over last year but there is a drop in the sale of trash tags. The deficit will be made up, with trash funds being used for trash and recycling for recycling.

Mr. Lynch gave Board members copies of the new Request for Proposals, and outlined the specs for the Board, stating the number of options is much greater in the new specs. He will get a summarized version of the changes for Mr. Blomgren. Mr. Blomgren said that the SWAC has put a lot of work into these specs.

Under New Business Mr. Logan said that there has been much discussion of the Charter adopted in 1989 and he wonders if the Board can appoint a group of one member each from the BOS, School Comm., Personnel Board, FinCom, two of the original Charter Commission members and one TM rep. from each precinct to review the Charter and see what changes are needed. Mr. Ready said we should ask Town Counsel what options are available for Charter review. Mr. Johnson said he is afraid we will be creating another Charter Commission if we have 9-12 people review it, Mr. Logan said we need to look at upgrades and changes, and Mr. Ready said he thinks we will be more successful in putting through one change at a time.

Mr. Lynch said there are several methods for amending a Home Rule Charter - legislature, another Charter Commission, Town Meeting. If a change is proposed in the Spring it takes a year to take effect, but if proposed in the Fall takes only 6 months to become law. Mr. Logan said let's wait to see what happens with Mr. Ready's change.

The site for Annual Town Meeting was discussed.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to hold the ATM at the Parker School as requested by the Town Manager.

Mr. DeFreitas said let's ask the BOS candidates to the February 24th meeting to speak for 2 minutes each. This would be to give them TV exposure, not to speak to the BOS, and ask Channel 43 to start coverage at 7:00 p.m. Candidates will be notified either through the Town Clerk or a letter.

At 9:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss the financial well being of the Town and pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Indira E. Carter

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92 MAR 24 PM 3:03
TOWN OF YORKSHIRE
MARY E. ST. JOHN
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, February 24, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session the Board had invited all candidates for the Board of Selectmen to be present to address the television audience. Each of the eight candidates was given two minutes to present his background and his platform. Cub Scouts from Pack 107, Den 6 were present and drew names to determine the order in which the candidates would speak - Bill Dalton (who was on vacation and not present), Chris Gleason, Peter Lawlor, John Ferreira, Jeff Stallard, Wayne Richardson, Bob Joyce and Jeff Brem.

Each candidate gave his two minute speech and thanked the Board of Selectmen for inviting them. Mr. Ready wished each of them good luck on behalf of the Board.

Chairman Ready called the meeting to order at 7:30 p.m.

He recognized the Cub Scouts, who are working on their Citizenship badges, and presented a certificate to each.

Motion by Mr. Logan., seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of February 10, regular and executive sessions.

Mr. Ready then brought up the tabled Dog Hearing re the Doberman Shep, owned by Larry Harmon. This hearing has been tabled twice due to Mr. Harmon's not being present. Mr. Ready read the letter delivered to Mr. Harmon on February 12th. Dog Officer Frank Warren reported that he has received three more complaints about a barking dog at the Harmon home - Jan. 30 at 1:05 pm, Feb. 17 at 3:30 pm and Feb. 22 at 7:35 am. He has checked with the Town Clerk's Office and the back license fees have not been paid. Mr. Logan said for the record that Mr. Harmon has not complied with the stipulations in the letter: he is not present, the dog has not been restrained from barking because we have 3 more complaints, and the back license fees have not been paid.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to order removal of the dog in question for the reasons stated above. This is an absolute removal, and can't be rescinded by paying the fees.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to send another letter, hand carried, stating that the Board will hold a Dog Hearing on his Yorkshire Terrier Corky on March 9 unless all the back license fees on both dogs have been paid.

The Board then met with the Stipend and Benefits Committee, established by Town Meeting. Dean Carmeris, 20 Higate Road, Precinct 5's Town Meeting rep to the Committee, said they plan to present a report at the Annual Town Meeting and have an article they are preparing for the ATM Warrant. They have sent a copy of the article they are proposing to Town Counsel.

Mr. Carmeris said that Jim Doukaszewicz and Marian Currier have been to a meeting of the committee and explained the benefits people receiving stipends are eligible for, but it appears that no one can explain exactly who gets stipends. They met with the Finance Committee, who said that the stipends are a small part of the Town's liabilities, but the Town accepted Chapter 32B in 1961, which makes all persons receiving stipends eligible for benefits.

The Committee did a survey of 9 surrounding Towns and said that stipends vary from none to generous, and Chelmsford has the most people taking advantage of benefits.

The Commission feels that stipends should be eliminated so that people can't take advantage of the benefits. It is costing the Town so much in benefits that the Committee thinks all stipends should be eliminated. The Committee is recommending that all persons now receiving stipends should get the equivalent expense accounts, but they are not taking a position on who should receive these accounts in the future.

Mr. Ready said he is disappointed that the Committee didn't interview any of the 17 persons now receiving stipends.

Mr. Lynch said that the Committee wants to give their report at the beginning of the ATM, and have their article on the warrant for the STM.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to put their article on the warrant for the STM.

Paul McCarthy and Jack Emerson were present from the Board of Health to discuss the trash disposal problem.

Mr. McCarthy told the Board that the BOH wants a question re an override for trash disposal put on the ballot for the April Town Election. The Board's primary concern is the abundance of illegal trash under the current bag and tag system, also a concern for both residences and businesses. The concern is one of health, safety and nuisance. We have an illegal dumping problem and want to go back to a tax-supported system. Mr. Emerson said they are looking into the wording of the question, that the wording must be specific, not descriptive, and they will get a figure for the ballot. He added that the Board of Health needs more control over illegal dumping and can do better with a tax-based system, which is cheaper and tax deductible. It is a better way than user fees and tags. There have been over 300 complaints since the system started, although 95% of the residents are obeying the rules. There is now a problem with larger items, since we no longer have a bulk pick-up. Businesses and condos are getting much illegal dumping in their dumpsters.

Mr. McCarthy said if the override fails, it will be business as usual but we do have a health problem, and let's give people a chance to vote on a more easily managed program. Mr. DeFreitas said he is sympathetic with the Board of Health's problem but that overrides on trash have always failed. He added that we have bids out now, including condos and he doesn't see how with condos included we can get service any cheaper. He can't say to put trash back in the budget without an override.

Mr. Emerson said he thinks the people have been educated enough to vote on an override now. Mr. Johnson said he feels that the Board should get out of the trash business and give it to the Board of Health. Mr. Emerson commented that the trash problem is now controlled through the Town Manager's Office and enforced by the Board of Health, and that trash has to be regulated for the health of the public. He added that there are a couple of small landfills in East, North and West Chelmsford, and all need to be cleaned up. The regulations have to be stronger to control the problem. They have estimated that with 11,500 homes in town it will cost \$109 per household, based on an average \$150,000 assessment.

Mr. Ready said that the Board of Health has said that they have a very serious problem with illegal dumping due to the current form of trash pick-up and want to ask the voters to put it back in the budget. He suggests we go to Town Meeting for their approval of the override question, and we may also have to go to ATM legally, according to the by-law. We should take it to ATM, go out for bid and approve an alternative budget, all of which takes time to do properly.

Motion by Mr. Johnson, seconded by Mr. Logan, based on the recommendations of the Board of Health that we leave a question open for a trash override question on the April 7th ballot. Motion failed on a vote of 2 in favor (Johnson and Logan), 3 opposed.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put an article on the STM warrant asking to put an override question on the next ballot and have whatever articles are necessary to put this before the Town Meeting body. Mr. Blomgren added and to have the Board of Health help with the wording of the article. Vote was 4 in favor, 1 opposed (Mr. Johnson).

Mr. Lynch said that under the new Request for Proposals the bid structure is not geared for the old system and we would have to send out addenda. Joel Karp asked that we add to any addendum that we ask the bidders for one flat fee.

Town Manager Lynch then presented his budget for FY93 to the Board, School and Finance Committees. He began by saying that this is the most stable Town budget since 1987 and that "downsizing" for Chelmsford appears to be complete. We have taken a hard line and are now in a new phase of "rightsizing". We have to learn to work smarter, and have learned to work harder with a 13% cut in personnel. The budget is created on revenues that we have, and departments were told to level fund, based on FY92.

On the Revenue side, taxes are 2 1/2%, new growth is expected to be \$150,000 (6 years ago it was \$1.2 million), property values the same and a \$1.3 sewer betterment. Each tax bill should go up by app. only 1% and State Aid is down \$6.7 million. Available funds, with trash taken out of the budget, are Free Cash - \$150,000 estimated. The FY93 Sewer Division will be paid for by user fees and under Local Receipts, there will be a decrease in motor vehicle excise taxes. There will be an increase in interest on late taxes. The Enterprise Fund is 0 funded.

Mr. Lynch then went over the budget expenditures. Under Municipal Administration is a new position of Data Processing Manager at \$35,000. This position will be funded for two years and then evaluated - we are very deficient in computerization and technology. The total increase in this budget is \$68,000. Mr. Lynch stated that there are no built in cost of living raises in any budgets.

Public Education - There is an increase of 5%. They have to fund the salary increases that were given up for one-half of last year.

Mr. Lynch said that the non-union people who went without raises last year on the Town side will be considered for increases, and he and the Personnel Board will meet in early March to discuss this.

Undr Public Safety, there is an increase of \$60,000 which covers built in step increases. The Police Department overtime account is enormous and the budget proposes reducing overtime by one-half and phasing in up to 6 new officers. Any use of overtime will be only when they fall below minimum manning or have an emergency. We will try to recruit officers who have already had training so we shouldn't have that expense. The Fire Department is entirely level-funded. They have some of the best equipment in the region and one of the best-trained forces. He gave credit to the Chief. On re-opening the West Fire Station, in FY94 and 95 we will have a clearer picture of any possibility of re-opening. Eventually we will look into a central Public Safety building.

In the Inspections Department we need to fund 1/2 a Local Inspector to help with zoning and permits, and \$7,000 for a Plumbing Inspector.

Public Works is level funded and trash removal has been removed from the DPW budget.

In Streetlighting there is an increase - the bills are running app. \$15,000 per month. There is an option - we can buy the lights and pay for the maintenance and use of electricity. The cost to purchase 1,000 lights is \$235,000, including taking down the old lights and installing new. There is a five year payback period, then a 50% yearly savings.

The Highway Division budget is down by \$8,000 and the Sewer Division is increased because we will be adding five more pumping stations and will need another mechanic. Mr. Lynch was asked what do we owe to Lowell for sewerage, and answered very significantly less than they say.

The Community Service budget is up by \$65,000. The Board of Health is increased by \$8,000 to include a Hazardous Waste Day.

The Library is up by \$66,000, which is enough to proceed for Certification, get State Aid and participate in regional programs.

Mr. Lynch then explained the funding of the Capital Planning Budget article on the ATM warrant.

Under Reports, Mr. Ready said he has received a letter from former Selectman Brad Emerson regarding the Lowell Landfill, telling the Board to keep after the DEP, that's where the action is. Mr. Lynch said there will be another meeting at the State House the first week in March, with the DEP and reps from Chelmsford.

Mr. Ready reported that he has recieved a call from Tom Moran asking about the meeting with Stoney Brook Rod and Gun Club. Mr. Lynch said we are setting this up.

Mr. DeFreitas reported that they are holding the third ESP meeting and invited all to come. He thanked Mary Mahoney for compiling a list of reference books.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Chelmsford High School All Sports Booster Club Cannister Day on May 9, 1992.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Oliveria Little League Tag Day on May 23, 1992.

Mr. Lynch told the Board that he had received 100 resumes for the position of Finance Director. He has chosen Charles "Fred" Mansfield for his extensive municipal experience. He is presently the Treasurer in West Newbury, and has a background in investments and accounting. Mr. Lynch feels he will be an outstanding Finance Director, and he will start coming in in mid-March and full-time by April 1st. Present Finance Director Jim Doukszewicz is leaving April 15th.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve Mr. Lynch's choice of Fred Mansfield as Finance Director.

At 10:40 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Joside E. Carter

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TOWN OF...
MARY E. DE FREITAS
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, March 23, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session Bob Joyce, Sewer Commissioner and BOS candidate, was present and told the Board that the rumor is that if we have trash pick-up the homeowner must also recycle. He was told that this is not true, that recycling will still be voluntary.

Mr. Ready called the meeting to order at 7:30 p.m.

Mr. Logan read a proclamation honoring Annamarie Behring as the Horatio Alger Scholarship recipient in the State for 1992. Mr. Ready read a list of community service projects that Annamarie has been involved with and she then thanked the Board for this recognition.

Mr. Ready presented Carl Hunnewell with a letter of commendation for bravery from Police Chief McKeon. Mr. Ready explained that on the night of October 2, 1991 there was a fatal car crash on Acton Road in which three young men were killed. Mr. Hunnewell pulled James Peter Dionne from the burning wreckage and is credited with saving his life. Mr. Dionne presented Mr. Hunnewell with a plaque and said he is really a hero and thanked him for saving his life. Mr. Ready gave Mr. Hunnewell a Certificate of Appreciation from the Board.

Mr. Ready then said that a Certificate of Appreciation is being sent to Officer James Midgeley, retiring after thirty years of service in the Chelmsford Police Department.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of February 24, 1992.

John Warren, 3 Sylvan Avenue, had applied for a taxi license but was unable to be present. Mr. Ready read a letter from Mr. Warren explaining what he wants to do. Motion by Mr. Johnson, seconded by Mr. Blomgren, unan. to approve a license for one cab for John Warren. Mr. DeFreitas commented that Mr. Wawrren's business venture was about 10% ESP, Mr. DeFreitas' program to help small businesses.

A Dog Hearing was again scheduled regarding the dog Corky owned by Larry Harmon, 35 Grandview Road. Again, Mr. Harmon was not present and the back license fees on both dogs have not been paid. Mr. Johnson recommended that we contact Mr. Harmon again telling him that if he is not here on April 6th and the license fees are still unpaid we will have his dog Corky removed from Town, and noted that the dog is not being a nuisance. Motion by Mr. Johnson, seconded by Mr. Logan, to

send a hand delivered letter stating the above. Vote was 3 in favor, 2 opposed (Mr. Ready and Mr. Blomgren, who felt we have given him enough time now).

Jack Blanchette was present requesting the Board's permission to expand on his Class II Auto Dealer's license. He wants to be able to sell more cars at 77 Tyngsboro Road. He now is allowed 8 vehicles on the premises not for sale, but only for repair and would like to expand to 20 vehicles for sale, since he is expanding from 1 bay to 3. Mr. Logan commented that the Building Inspector has been looking at the site and is concerned about the number of spaces.

Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to refer the matter to the Building Inspector for a report by the next meeting and to check on the minutes of the original meeting when the license was first granted. The issue is tabled until the April 6th meeting.

At 7:45 p.m. a Public Hearing was held on the application of Kastore's Restaurant for a Beer and Wine license. Mr. Logan stepped down from this hearing. Attorney Joseph B. Shanahan, Jr. represented the Panagakis family, father Chris and son John, who will be manager. Mr. Shanahan had sent out a booklet of documentation to all Board members. He told the Board that Chris Panagakis had come from Greece in 1966 and has had a beer and wine license in Tyngsboro for some time. Five years ago he purchased the Dairy Queen on the 110 Tyngsboro Road property and a year ago spent a great deal of money on renovations and increased the size of the restaurant to 36 seats. They have had experience with a similar restaurant in Tyngsboro and Chris has served liquor for six years in Tyngsboro. They are asking for hours of seven days a week, 12 am - 12 pm, although they intend to close at 11 pm. Mr. Ready asked if the liquor will be served over the counter and Mr. Shanahan said yes, but the counter is open and you can see the whole dining area. There are 23 parking spots and they have the proper variance from the Board of Appeals. Mr. DeFreitas said he has had calls from neighbors concerned that there will be drinking outside but Mr. Shanahan said beer and wine will be served only in the dining room. Mr. Blomgren commented that there have been several accidents in the area and Mr. Shanahan said that since they have revamped the parking - no more backing out onto the street - there have been no accidents at that address.

No one present spoke in favor of or opposition to this application. Mr. Ready said the Board will follow their usual policy and vote on the license on April 6th.

Mr. Shanahan then approached the Board with the request of Chris Danbeth Inc. d/b/a the Glenview Lounge for an Entertainment license for live entertainment. They currently have a Weekday

Entertainment license for recorded music and television. Mr. Shanahan said that the Harts bought the restaurant in 1984 and didn't request the transfer of the live entertainment licenses at that time, only recorded. Now in difficult economic times they would like to provide live background music on Friday and Saturday nights, although they are requesting the license from Monday through Saturday from 8 am - 2 am, the same hours as their liquor license. Mr. Johnson noted that the Board had a similar request from Old MacDonald's and we have had no problems with that license. Motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve this license. Vote was 4 in favor.

Mr. Logan rejoined the meeting.

Mr. Ready announced that the Nashoba Valley Technical High School appointment is scheduled for Monday, March 30, 1992 at 6:30 p.m. at the Parker School.

Attorney James Geary, representing Jim and Tom Mawn, CLM Realty, and owners of the old gingerale building on Littleton Road since 1963. The parcel is now zoned IA and they are petitioning the Special Town Meeting to rezone the property to CO, to be consistent with the rest of the Center. The Planning Board has endorsed the plan, consisting of 18,000 sq. ft. of commercial space to be put up in a Williamsburg style and will change from a industrial warehouse to colonial style commercial buildings. Local contractor Bob McCrensky will do the building and he gave details of the plan to the Board. The structure is now 60,000 sq. ft. and all existing buildings will be taken down. The new structure will be 17 - 18,000 sq. ft. with a clock tower and the elevations will come up to nearer the Littleton Road contours. Mr. Ready said he thinks there is a brook going through this property, so they may have to put in a pipe or a culvert. Mr. Logan commented that with so much vacant space in Town this may be considered a strip mall.

Board members Johnson, Ready and Blomgren said this will be a welcome addition to the Town. Mr. Logan moved to endorse and support the plan for the re-zoning change but Mr. DeFreitas said although this Board all endorses the plan we should wait for the new Board to endorse it at Town Meeting.

Under Reports, Mr. Logan reported on Littleton Road, stating that he has continued to receive phone calls and complaints about the pavement, that it is a mess and an embarrassment to the Town. There is a dispute between Littleton Road Extension Inc. and Middlesex Paving and the District 4 DPW hasn't been responsive. The people of Chelmsford deserve an explanation. Mr. Lynch said that they can't get occupancy permits for any more units until monies go into the escrow account, and he understands they will start to repave this spring. The Board will keep

putting pressure on, and with each permit given a sum goes in to the escrow account. Sewer Commission Chairman Jack Emerson said that due to the nature of the weather this winter the problem is maintenance and the Middlesex Corp. and the Dartmouth Group are working on this.

Mr. Johnson reported that the Paint and Powder Club is presenting Sweet Charity on March 26 -28 and the proceeds will benefit the Family Service of Greater Lowell.

He also reported that the building known as the Old Fitts House on North Road next to the Old Town Hall is being renovated by John Krasnecki and asked that the Board send him a letter of congratulations on a job well done. Dr. Paul Canniff told the Board that Mr. Krasnecki was also the person who had re-sided the Toll House on the Common. Mr. Lynch said he is planning to paint it this season.

Mr. Ready reported on the State Aid analysis from the Mass. Municipal Association and showed slides which indicated that State Aid has declined and state expenditures have increased. The cuts in State Aid is making cities and towns rely too heavily on property taxes, and he noted that the city of Methuen is going to the State House to protest the decline in State Aid.

Under Other Business, motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the extension of hours for Bainbridge's Restaurant liquor license on March 28, 1992. Vote was 4 in favor, 1 abstention (Mr. Logan).

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to name the park at the intersection of Bridge and Westford Streets House Park, as requested by Dr. Canniff. Mr. Logan will get in touch with the family and suggest a possible dedication for Memorial Day.

The Board then discussed the Re-districting Plan. Mr. Ready said that every time we have the State Census precincts have to be redistricted so there are not more than 4,000 voters in each. The Board had asked the Committee - Joel Karp, John O'Connell and Mary St. Hilaire - to start with 0 precincts and keep them within 5% of each other (Option 2) or Option 3, to keep the precincts as close to what we have now as possible. The Charter gives us no option for other than 9 precincts. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve Option 2. It was noted that the Town Clerk's office will have a lot of extra work and the first election effected by this change will be in April, 1993. Mr. Blomgren said that all Town Meetings reps will have to run again and that we need to release a map with the streets for the new precincts. Mr. Ready said we should have the information posted at the polls for the September and November elections.

The Board then discussed the Solid Waste ballot question. Mr. Lynch said the Board has asked him to come up with some numbers and he said that if we have the same program next year, for a single home with solid waste collection it would be \$77.05 per year, with tags at \$.95. One bag per week would cost \$126.45, 2 bags \$175.85 and 3 bags \$225.25. Multi-family to be picked up curbside would be \$54.55, with tags at \$.95 each. We have asked quotes for the vendors to do the billing, which makes more economic sense.

Paul McCarthy, Board of Health member, presented a letter to the Board stating the Board of Health's position on the Prop. 2 1/2 override and asking that the question be placed on a ballot. Mr. Lynch said that with the override the effect would be \$.72/\$1000 of assessed value, or \$108.00 per year for the average homeowner.

Mr. Ready said for language to be used at the Special Town Meeting stating that if the override passed the money would only be used for solid waste disposal. Mr. Lynch gave two amendments to be made to the by-law.

Mr. Ready said we need to set the date as soon as possible for the Special Election so we can educate the people.

Mr. Lynch said we have Special Town Meetings scheduled for April 27, 30 and May 4th, could hold the Special Election on May 12 and then go back to ATM on May 18th.

Mr. Ready said we have two options: Option 1 - to do nothing; and Option 2 - to call for a Special Election on May 12th with a question on the override and then pass the 2 amendments to the by-law.

Mr. Blomgren said that we have an Option 3, which addresses issues raised by the Board of Health and showed with a slide presentation the current programs, both trash and recycling; the issues raised by the Board of Health of illegal dumping and abuse of size of bags; the current proposal; problems created with the proposal; solutions; recommendations and benefits.

Mr. Emerson and Mr. McCarthy said that this proposal would not meet the Board of Health objections, and Mr. McCarthy added that they only want to get the question on the ballot and don't care about the dollars and cents, and that by Jan. 1, 1993 recycling will be mandatory.

Motion by Mr. Johnson, seconded by Mr. Logan, to put Option 2 on a Special Election ballot for May 12.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to call a Special Town Meeting to put the question on the ballot. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, to set the Special Election for June 2nd. Motion was amended to have the parties involved come back with a recommendation. Mr. Lynch said he is concerned with the administration of the Town Clerk and the administration of the Solid Waste Coordinator and setting the date is ultimately up to the Board. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to vote the date of the Special Election at the April 6th meeting. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to put the three trash articles on the warrant for the Special Town Meeting on April 27th.

The Town Manager reported that on the Lowell Landfill matter he met with Rep. Cleven, Sen. Hicks and the DEP for a status report on the closure. He said the DEP has no intention of extending the use of the landfill although the City is taking steps to extend its use, and it will still close in 1993.

On Frequency Sources, Mr. Lynch met with Attorney Jim Geary and said they've completed the testing on the cleanup of hazardous materials and they are negotiating with the DEP.

Mr. Lynch said that re the abandoned property on Drum Hill Road he has met with the Building Inspector and they are looking at condemnation but that has some perils.

Re the North Town Hall, we are taking steps to maintain it in the condition it is presently in and have been working with the Inspector General's office on the language to use in the RFP. We are hoping to receive a decent amount of money and it should go on the market within a month.

He also reported that the trucks parked on Westford Street near Abbott Lane will be removed within the next two weeks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Town Manager's recommendation to appoint Robert McCallum to the Solid Waste Advisory Committee.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. at 9:35 pm to adjourn the meeting.

For the Board of Selectmen, by

Jesse E. Carter

RECEIVED
92 APR 28 AM 9:40

Re-organization of the Board of Selectmen held Thursday, April 9, 1992 at 7:00 p.m. Members present were: Roger A. Blomgren, Willim R. Logan, Richard E. DeFreitas, Peter V. Lawlor and Jeffrey A. Brem.

The Board congratulated Mr. Lawlor and Mr. Brem on their elections as Selectmen. The Board then re-organized for the coming year. Vice Chairman Logan asked for nominations for Chairman. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to elect Mr. Logan as Chairman. Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to elect Mr. DeFreitas as Vice Chairman. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to elect Mr. Lawlor as Clerk.

At 7:10 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn the meeting.

For the Board of Selectmen, by

Julio E. Costa

92 APR 20 AM 9:40

Regular meeting of the Board of Selectmen held Monday, April 13, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

No one was present at the Open Session.

Chairman Logan called the meeting to order at 7:30 p.m. He introduced Selectmen Lawlor and Brem and congratulated them. He also congratulated all candidates and election workers for a good, clean race.

Mr. Logan said that we are starting a new era, an era of accessibility. Open Sessions of the Board will be televised and we have installed a 24-hour Hot Line in the BOS office where residents can call for help, input and support.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to proclaim Friday, April 24, 1992 as Arbor Day. Mr. DeFreitas read the proclamation, and no one was present from the Garden Club to accept it.

Mr. DeFreitas then read the Emblem Club Day Proclamation. Mr. Logan said he had attended their installation of new officers on Saturday night. Sandra Vallaincourt addressed the Board, stating that there are 110 members in the club, which is only five years old, they have raised \$53,000 for charity over the past 4 years and their purpose is to help the Elks and participate in community activities.

At 7:35 p.m. the Board met with Robert Ogden, Mass. Electric Company. Mr. Ogden presented two pole petitions: 1. to install one pole on Main Street, which will hold additional equipment to protect overhead lines. No one present spoke in favor of or opposition to this petition. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this petition. 2. Groton Road near Lynn Avenue - to relocate one pole. This pole is in the middle of the driveway of a new home. No one spoke in favor of or opposition to this relocation. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve. Mr. DeFreitas asked Mr. Ogden to ride down Riverneck Road and see the poles in the middle of streets - Canal Street and others on the left by Tony's Garage. He will get the pole numbers and Mr. Ogden will check it out. He said that they try to maintain 150 feet between poles.

A Dog Hearing was scheduled regarding Axel, Doberman owned by John Krasnecki, 143 Concord Road. This is a second hearing, one having been held on December 16, 1991. Mrs. Dora Larrabee had contacted the Board because Axel had again, on 2 occasions, appeared in her yard and frightened her 4-year old grandson.

She had not called the Dog Officer because she knew he was out sick but did call the Police Dept. each time. She wants to know that Axel will not come in her yard again.

Mr. Krasnecki spoke, stating that he has tried to keep an eye on his dog and that his mother hasn't let him out. He said that when Axel is out in the yard with him sometimes he does go over to Mrs. Larrabee's and takes the cookies that she has put out for the birds. Mr. Krasnecki said he doesn't believe in collars or tying dogs, and will sell his house and move out of Town.

Mr. Logan reminded him of the leash law, and Mr. DeFreitas asked Mrs. Larrabee if Axel poses a threat to her. She said Yes, because her grandson is afraid of him.

Mr. Lawlor asked Mrs. Larrabee what she wants, and she said to put Axel on a run, in a kennel, build a fence to restrain him or take him back to New Hampshire where he is registered.

Mr. Krasnecki said again that the dog is 4 years old, that he had a dog before Axel with no problems, and will never tie the dog or put a collar on him.

Mrs. Larrabee said if Mr. Krasnecki wants to move from Town, OK but she won't have the dog in her yard in the meantime. Her grandson Daniel panics when he comes in the yard, and is deathly afraid of him. Mr. Brem asked if she has seen Mr. Krasnecki try to comply and she said Yes, she hadn't seen the dog until 3 weeks ago. She said it was suggested at the last hearing that he build a fence.

Mr. Blomgren read from the minutes of the last hearing and said he is concerned: 1. about Mr. Krasnecki's attitude; 2. that Axel is not a gentle type dog but a Doberman; 3. it was stated that this was the most lenient dog hearing the BOS ever held.

Mr. Blomgren said there are 3 options: 1. have the dog removed from Town within 10 days; 2. build a fence around the property to restrain him properly; 3. put the dog on a permanent run, to be approved by the Dog Officer.

Mr. Blomgren said he would move to give him those 3 options and have him let Town Manager Lynch know within 7 business days of his decision. In the absence of any choice the Board will have Axel removed from the Town.

Mr. DeFreitas seconded the motion for discussion, and asked Mr. Krasnecki where his residence is. He said New Hampshire, but he stays in Chelmsford sometimes, and the dog is always with him. Mr. DeFreitas said people have to come first.

Mr. Lawlor said that he has a problem with the options as outlined - he knows Axel and his behavior and knows how John Krasnecki is with Axel. He thinks Mr. Krasnecki's solution is extreme but can't support these options because they are too severe, although he doesn't have a different option.

Mr. Brem suggested that one option might be an electric fence, which if the animal is shocked once teaches him to stay away from it.

The options were further discussed, and Mr. Lawlor asked Mr. Krasnecki if he would comply. Mr. Krasnecki answered that Mrs. Larrabee has opened his eyes and he will look for a new Town. The vote on Mr. Blomgren's motion was 4 in favor, 1 opposed (Mr. Lawlor). Mr. Krasnecki will be sent a written copy of the vote.

Barbara Carye Housman and Drew Leff of Altid Enterprises were present to ask the Board's support for their article rezoning the Mall at the upcoming Town Meeting. It is presently a non-conforming use and correcting the zoning will allow them to add a restaurant. F and R Distributors is bringing in more business and they plan to make the Mall facade more attractive. They are asking for BOS support at the Town Meeting. Mr. Leff said this is the only property owned by Altid to be re-zoned, and they want to change from a CA zone to a CC zone to have 30% coverage. Some improvements have already been completed.

Mr. DeFreitas said that their meetings with the residents have been good and he can support the change.

Mr. Lawlor said that he is glad they have received support from the Finance Committee and the Planning Board, and he will support the article.

Mr. Brem asked if this is the same proposal as at the last Town Meeting and was told Yes. He asked if they intend to sell the property after it is re-zoned and was told No. He said he hoped they would continue their relationship with the neighborhood.

Mr. Blomgren said he agrees with other members and will support the article.

Mr. Logan wished Altid the best of luck at Town Meeting.

Under Reports, Mr. Logan said we have received a request from Frank Roark to install sprinklers in front of the Town Offices. Mr. Lynch said he has met with Jim Pearson and they are working out the details.

Mr. Blomgren moved, seconded by Mr. Brem, unan. moved to send a letter from the Board thanking Mr. Roark for his contribution and invite him in for a Certificate of Appreciation after the installation is complete.

Mr. Logan reported that he and the Town Manager have set up a meeting schedule for the next six months and pointed out some of the important dates.

Mr. DeFreitas reported that he has suspended ESP meetings during the elections, and will have to find another night to meet since Mondays are mostly BOS meetings.

Mr. Lawlor thanked Mr. Logan and the other Board members for the warmth with which they have welcomed him and Mr. Brem. He asked the voters to remind them if they are not keeping their campaign promises.

He also wanted to remind residents that this is the start of the Little League season and to ask them to be extra careful driving by the Rte. 110 fields.

Mr. Brem then thanked Board members for the warm welcome and thanked the other candidates for a clean campaign. He congratulated all candidates in all offices.

Mr. Brem reported that the Cultural Council has installed a new sound system in the Old Town Hall, which is available to any group. He noted that the Council is planning an All Arts Weekend for October, 1992.

He reported that the "Brem line" used during his campaign will be installed as the "Select Line" in the Town Manager's Office and any resident may call 250-5200 with any comments, complaints, questions, etc.

Mr. Blomgren reported that he wants to invite CADAC to a meeting to bring the Board up to date on their programs. Mr. Logan said that June 1st is the next regular meeting after Town Meeting.

Under Town Manager Reports, Mr. Lynch welcomed Mr. Lawlor and Mr. Brem, and said he is looking forward to working with them and the other three Board members. He said he has added several Work Sessions for long-range planning to the meeting schedule.

He reported that the Select Line is ready to go.

He wanted to remind residents that he is available to the public from 3:30 to 5:00 pm every Tuesday, his "Open Hours".

Mr. Lynch reported that he met with residents living in the area of the Stoney Brook Rod and Gun Club, and will keep Board members up to date on the progress in solving the noise problem.

Mr. DeFreitas asked him for a progress report on lowering the dam on Hart Pond. Mr. Lynch said that Friday they had lowered it by app. 2", will do 2" more shortly, and then another 2". The DPW Director is coordinating this. Mr. Lynch said that he did respond to the residents as soon as possible and that if any resident has any problems in the future they should contact us immediately.

Mr. Lynch announced that the Annual Town Meeting Forum for Town Meeting reps will be held in the Town Offices Gym on Wednesday, April 22, at 7:30 p.m.

Under Other Business, Mr. Lynch said that we need to set a Solid Waste User fee. We have had this fee for two years, and under the by-law the user fee must be set prior to Town Meeting. If the override is successful, we won't need the fees. This year we only need 3 fees for tags: tags - \$ 20 each; bulk items \$10.00 each; dumpster fee - \$40.00 per unit. He went over the fee calculations: Solid Waste: \$42/year for single home; \$30/year for multi-family; \$25/year per unit for a dumpster. Recycling: \$35.05 for single; \$23.70 cubside multi-family; \$21.75 dumpster. Mr. Lynch said he would like a vote tonight.

The bulk program was discussed - items will no longer be picked up quarterly but one item per week. Mr. DeFreitas stated that it is crucial that Town Meeting passes the by-law keeping trash in the override if it passes. Mr. Lynch said that all billing will be done by Waste Management and he wants to have a decision on fees before Town Meeting. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table this vote until the Work Session on April 23rd. Barbara Scavezze or a representative from SWAC and any other interested parties are invited to attend.

Mr. Logan explained the Policy section on the agenda and said that it will stay on the agenda.

Mr. Blomgren said he wants the Town Accountant to come to BOS meetings on a monthly basis, and Mr. Logan said to put Town Accountant back under Reports. Mr. Meyler will be asked to attend the April 27th BOS meeting at 6:30 p.m. at the Parker School.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting at 9:15 p.m.

For the Board of Selectmen, by

Shirley E. Carter

RECEIVED
92 JUN -2 PM 12: 19

Special Meeting of the Moderator, Board of Selectmen and School Committee at 7:00 p.m. on Monday, March 30, 1992 at the Senior Center on Groton Road. The purpose of the meeting was to make appointments to the Nashoba Valley Technical High School District Committee.

Present were: Moderator Dennis McHugh, Esq., Board of Selectmen members Dennis Ready, William Logan, Richard DeFreitas, Henrick Johnson, Jr. and Roger Blomgren; Town Manager Bernard Lynch; and School Committee members Barbara Ward, Wendy Marcks, Carl Olsson and Mary Frantz.

Moderator Dennis McHugh called the meeting to order at 7:00 p.m. Motion by Mr. Ready, seconded to Mr. DeFreitas, to nominate Samuel Poulten as the regular Chelmsford member to the NVTHS Committee.

Motion by Mr. Logan, seconded by Mrs. Ward, to nominate Donald Reeves as the regular member.

Votes were as follows: for Mr. Poulten: Mr. Ready, Mr. DeFreitas, Mr. Blomgren, and Mr. Olsson. For Mr. Reeves: Mr. Logan, Mrs. Ward, Mr. Johnson, Mrs. Marcks and Mrs. Frantz. Mr. Reeves is appointed the regular member.

Motion by Mr. Johnson, seconded by Mr. Ready, to nominate Mr. Poulten as alternate member.

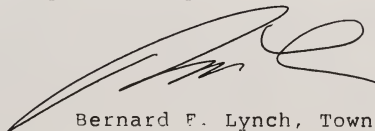
Motion by Mrs. Ward, seconded by Mrs. Marcks, to nominate Paul Ahearn as alternate member.

Votes were as follows: for Mr. Poulten: Mr. Johnson, Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Blomgren and Mr. Olsson. For Mr. Ahearn: Mrs. Ward, Mrs. Marcks and Mrs. Frantz. Mr. Poulten is appointed alternate member.

Motion by Mr. Olsson, seconded by Mrs. Marcks, unanimous, to make the appointment votes unanimous.

Motion by Mrs. Ward, seconded by Mr. Logan, unanimous to have representatives from both Boards meet to establish a formal appointment process for these Nashoba appointments.

Motion by Mr. Logan, seconded by Mr. Ready, unanimous to adjourn the meeting at 7:15 p.m.



Bernard F. Lynch, Town Manager

RECEIVED

92 JUN -2 PM 12:19

TOWN OF
MAY E. DELANEY
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, April 6, 1992. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Jeff Stallard spoke to the Board about the Veterans' Memorial Park, telling them that 930 names will go on the wall, which will be unveiled on July 3rd, and names will be updated and added in two years. They are now in need of the \$5,000 HUD monies promised by the Town - the walls are all ready to be engraved. Jeff doesn't know the procedure for getting the money and the Committee needs a check to the Fletcher Granite Company. He thanked the Town for this money.

At 7:10 pm Mr. Ready said the Board would adjourn until 7:30 p.m.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to proclaim April 6, 1992 as Ruth K. Delaney Day. Mr. DeFreitas read the proclamation honoring Mrs. Delaney upon her retirement after 15 years as an Assessor for the Town. Mrs. Delaney accepted the proclamation from Chairman Ready.

Mr. Logan showed the Board a copy of the Boston Gazette, started in 1719, and bound in a book dated 1794. Mr. Logan moved, seconded by Mr. DeFreitas, unan. to proclaim April 5 - April 11 as National Library Week and read the proclamation. President of Friends of the Library Susan Koeckhoven, Director of the Library Mary Mahoney and Sarah Warner, Chairman of the Library Trustees, accepted the proclamation.

Mr. Ready gave Certificates of Appreciation for service on the Conservation Commission to John Scott for 9 years and Charles Galloway for 11 years. Mr. Scott was present and thanked the Board for appointing him to the Board for 9 years.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of March 27, 1992.

Mr. Ready introduced Karen Ready, representing the Chelmsford High School Student Council, who presented a check to Donna Johnson, Chairman of the Holiday Decorating Committee. The students are donating the \$235.00 earned for selling hot chocolate at the Decorating Committee's Christmas celebration.

The Board then met with Lakeside Avenue residents. Bud Keenan, 11 Lakeside Avenue, acted as spokesman for the residents and gave the Board the background of the problem. Mr. Keenan said that they live on Hart's Pond, South Chelmsford, about 2 1/2 miles out of the Center. The pond gets its water from brooks in Westford and is spring fed. There is an outlet and a dam that runs under Route 27 into Chelmsford/Carlisle Conservation land, formerly the Cranberry Bog. Mr. Keenan showed a drawing of Lakeside Avenue, and how it goes in over the railroad trestle and splits to the left and right, both Dead End. He gave a history of the owners of the 8 homes, stating that most of them have been there a long time, some a third generation.

Mr. Keenan continued that there are backboards in the dam to control the flow to the Cranberry Bog and they were always lowered in the fall, which kept the pond clean and the water at a safe level. There were never any problems when this was the practice. However, this has not been done for the past two years and now septic systems are starting to go. They called the Conservation Commission and received a negative response, being told not to touch the backboards or they would be fined. The 8 homes in the area in question could not use their washing machines so they called the Dam Safety Commission from the State. They told the residents that the State would consider the pond at flood stage.

Mr. Keenan said that on March 25 he called the Town Manager and felt that his response was negative, too. He called the Carlisle Conservation Commission a week later and the response was good but the results weren't.

Mr. Ready asked if they see the solution as lowering the water in the fall and winter. He reminded Mr. Keenan that he had called him back at 11:30 p.m. Mr. DeFreitas asked the Town Manager was it the practice of the Town to lower the water, and if so, why was it stopped.

Mr. Blomgren asked if the rest of the owners on the Lake have damage from high water and was told that most homes on the Lake are a little higher than the ones on Lakeside Avenue. The Town Manager was asked to check with the Board of Health to see if other systems are failing.

Dora Brown, President of the Hart's Pond Improvement Association, said there is damage to retaining walls and docks all around the Pond due to the high water.

Cheryl Collier said she has lost 85 feet of land and part of her chain link fence, that 8 - 10 feet of their point has been lost and they are still losing land. She asked the BOG to help the residents. Another resident from Lakeside Avenue said they are having much of the same problems.

Mr. Ready said he wished the residents had come to the Board earlier. Mr. Keenan asked how will the residents be aware of what is happening and Mr. Ready said he will ask the Town Manager to get feedback to him and Dora Brown.

Mr. Lynch then reported on his knowledge of the problem, stating that the Bog was bought in 1986/87 by Chelmsford and Carlisle, who were to enter into a management district, but Carlisle never approved. The practice of lowering the dam was stopped because technology changed and since Mr. Duffy has installed an irrigation system we don't need to lower the boards. Mr. Lynch said he received his first phone call on this matter on March 17 and has responded. On March 19 the Town Engineer and his assistant went to the site and shot grades. The information showed that the water was lower than in 1987 and a foot lower than in 1976. The Conservation Commission contacted the Carlisle Commission and Jim Pearson met with them on April 1st. The overall problem appears to be what is the proper management of the structure. The Conservation Commission says we need special permits from the state to lower the water. The report from Tom Fumilaro, state Dam Site Inspector, is more confusing as are his drainage area calcs. Jim Pearson and the Conservation Commission are still working on this problem but it will take time to rectify - probably 3 - 4 weeks. If the pond is lowered by 3 feet it would expose 20 more feet of shoreline. Mr. Ready said that he was on the Committee that established the 1976 maps and that the elevation shown on those maps was the 100 year flood level. He said we should lower the water while we're studying the problem, which is at least a temporary solution until the proper solution is found. Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to temporarily lower the water by taking out a board on each side. Mr. Lynch said he will send Mr. Pearson to the Conservation Commission to say to lower it and we will need to determine by how much. Mr. Ready said the Town will take out the board and notify persons downstream. Dora Brown said she wants to have input.

No one was present from Massachusetts Electric Company to present the pole petition on Main Street.

A Public Hearing was held on the application for the transfer of the All Alcoholic license held by CAM Corp. d/b/a BumbleBee's to Mike Liang, Panda Wok Inc. Attorney Justin McCarthy from Westford represented Attorney Dennis McHugh. Mr. Logan stepped down from this hearing due to a possible conflict of interest. Mr. McCarthy said they are requesting the transfer of the All Alcoholic license at 313 Littleton Road to his client Mike Liang. He noted that there have been two restaurants at that address - Mei Lei Garden and BumbleBee's, which operated from December, 1990 to December, 1991. He said that Mr. Liang has come to an agreement with CAM Corp. and owner of the property Donald Loiselle. There will be no change in the interior, with 80 - 90 seats in the restaurant and 25 seats in the lounge. Mr. McCarthy said that Mr. Liang has been in the restaurant business since 1980 and now owns two successful businesses in Milford, Mass. and Concord, NH.

Mr. Ready asked how can he succeed when Gover SooHoo failed and Mr. McCarthy said he has experience and will also be the manager. His other two restaurants will be managed by his partners. Mr. DeFreitas announced that Donald Loisel is a client of his wife's. He is stating this for disclosure purposes but is not stepping down from the hearing. Mr. McCarthy said they are asking for the same hours of operation as BumbleBee's: Sunday: 12 noon - 12 midnight; Mon. - Wed. 11 am - 12 midnight and Thurs. - Sat. 11 am - 1:00 am. They have no need for an Entertainment license.

No one present spoke in favor of or opposition to this transfer of license.

Motion by Mr. Johnson, seconded by Mr. Blomgren, to suspend the normal meeting policy of waiting two weeks to vote on liquor licenses, since this is the last meeting for two members. Vote was 4 in favor.

Motion by Mr. Johnson, seconded by Mr. Blomgren, to approve the transfer subject to a favorable report on Mr. Liang from the Criminal History Systems Board that he has no criminal record. Mr. Logan rejoined the meeting.

Another hearing was scheduled on Larry Harmon's dog Corky. Mr. Harmon had been sent a letter telling him that unless back license fees on Corky were paid and unless Mr. Harmon came to meet with the Board tonight, the Board would order Corky removed from the Town. Mr. Ready said that Mr. Harmon had called him before the meeting to say that he was ill again and asking for the hearing to be re-scheduled.

Motion by Mr. Johnson, seconded by Mr. Logan, unan. to have the dog removed and let Mr. Harmon go through the appeal process, that the Board has been more than generous with him.

Jack Blanchette was present asking for an extension of his Class II Auto Dealer's license at 77 Tyngsboro Road. His current license permits not more than 8 vehicles on the lot for repair, not for sale. The Building Inspector has reported that the premises is properly for 10 vehicles. Mr. Ready read the letter from the Building Inspector stating that he would recommend eliminating the 1978 restrictions.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the license for Mr. Blanchette, 77 Tyngsboro Road, to allow the sale of up to 10 vehicles on the premises and the lifting of restrictions put on the license in 1978, as recommended by the Building Inspector in his memo dated April 3, 1980.

Mr. Ready read a letter to the Board from Governor Weld thanking him for his correspondence on legislative matters.

Mr. Logan reported that a CHS student Brian Veth is going for the Guinness Book of World Records for juggling. The competition will be at the Courthouse on Sunday, April 12 starting at 7:00 am and he will be juggling 3 balls with no breaks. The current record is 9 hours and the public is invited.

Mr. Blomgren reported that he has received a call from Mrs. Larrabee, an abutter to Axel, the Doberman at 143 Concord Road owned by John Krasnecki. The Board had previously held a hearing on this matter on Dec. 16, 1991. Mrs. Larrabee told Mr. Blomgren that the dog has been in her yard on two occasions lately, and he wants Mr. Krasnecki to come in to the next meeting. We will call a formal Dog Hearing, if necessary.

Under Town Manager Reports, Mr. Lynch said that a meeting has been held with the Stoney Brook Rod and Gun Club directors and neighbors. Mr. Lynch will go and listen to the gunfire this weekend. The meeting was successful but nothing has really been resolved yet.

Mr. Lynch also reported that the new Finance Director Fred Mansfield is on board and working with Jim Doukszewiz. There seem to be no problems.

He reported that the audit report has been completed and copies are coming.

Under Other Business, motion by Mr. Johnson, seconded by Mr. DeFreitas, to grant a Beer and Wine license to Kastore Restaurant. Vote was 4 in favor, 1 abstention.

Mr. Lynch said that he has met with the Town Clerk, Finance Director, Solid Waste coordinator and the vendor and they have agreed that Wednesday, May 27th is acceptable for the Special Election for the question on the trash override. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to set Wednesday, May 27 as the date and 12 noon - 8:00 pm for the hours for the Special Election.

Mr. Lynch said he has awarded the waste contract to Waste Management of New Hampshire, either on a fee basis or overall for the community. If on a fee basis, they will administer the billing.

Motion by Mr. Logan, seconded by Mr. Blomgren, to send a letter of thanks to BEI for an outstanding job over the past twelve years. Vote was 4 in favor, 1 abstention (Mr. DeFreitas).

Under New Business motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve releasing the \$5,000 encumbered to the Veterans' Memorial Park Committee.

Mr. DeFreitas said that tomorrow is Election Day and asked everyone to vote. There have been many exciting races this year and he would like to congratulate the eight Selectmen candidates for running a clean campaign.

Mr. Johnson said that it has been a privilege serving the Community for the past seventeen years, and he thanked both present and past Boards for their professional courtesies.

Mr. Ready said he had actually written a speech, which he read and in which he thanked the townspeople and town employees, and mentioned the various different Selectmen with whom he has served and what each individual has taught him.

Mr. Logan said there was a roast for Mr. Ready and Mr. Johnson and 250 people attended. He paid tribute to Mr. Johnson and presented him with a mounted key to the Town. He also paid tribute to Mr. Ready and gave him a key to the Town and a mounted gavel as outgoing chairman.

Mr. DeFreitas paid tribute to both members, praising Mr. Johnson for his pragmatism and Mr. Ready for his wisdom and knowledge. He added that this is a Board in transition, that it is the last Board where a majority of the members are pre-Charter.

Mr. Blomgren said that the other two members had summed up the leadership qualities of the two outgoing members and he wished them the best.

Mr. Lynch wished both Mr. Ready and Mr. Johnson luck, and said that during the difficult times since the Charter he could rely on them both and look to them for the qualities mentioned by the other Board members.

At 9:15 p.m. motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carta

RECEIVED
92 JUN -2 PM 12:19

Regular meeting of the Board of Selectmen held Monday, April 13, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

No one was present at the Open Session.

Chairman Logan called the meeting to order at 7:30 p.m. He introduced Selectmen Lawlor and Brem and congratulated them. He also congratulated all candidates and election workers for a good, clean race.

Mr. Logan said that we are starting a new era, an era of accessibility. Open Sessions of the Board will be televised and we have installed a 24-hour Hot Line in the BOS office where residents can call for help, input and support.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to proclaim Friday, April 24, 1992 as Arbor Day. Mr. DeFreitas read the proclamation, and no one was present from the Garden Club to accept it.

Mr. DeFreitas then read the Emblem Club Day Proclamation. Mr. Logan said he had attended their installation of new officers on Saturday night. Sandra Vallaincourt addressed the Board, stating that there are 110 members in the club, which is only five years old, they have raised \$53,000 for charity over the past 4 years and their purpose is to help the Elks and participate in community activities.

At 7:35 p.m. the Board met with Robert Ogden, Mass. Electric Company. Mr. Ogden presented two pole petitions: 1. to install one pole on Main Street, which will hold additional equipment to protect overhead lines. No one present spoke in favor of or opposition to this petition. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this petition.

2. Groton Road near Lynn Avenue - to relocate one pole. This pole is in the middle of the driveway of a new home. No one spoke in favor of or opposition to this relocation. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve. Mr. DeFreitas asked Mr. Ogden to ride down Riverneck Road and see the poles in the middle of streets - Canal Street and others on the left by Tony's Garage. He will get the pole numbers and Mr. Ogden will check it out. He said that they try to maintain 150 feet between poles.

A Dog Hearing was scheduled regarding Axel, Doberman owned by John Krasnecki, 143 Concord Road. This is a second hearing, one having been held on December 16, 1991. Mrs. Dora Larrabee had contacted the Board because Axel had again, on 2 occasions, appeared in her yard and frightened her 4-year old grandson.

She had not called the Dog Officer because she knew he was out sick but did call the Police Dept. each time. She wants to know that Axel will not come in her yard again.

Mr. Krasnecki spoke, stating that he has tried to keep an eye on his dog and that his mother hasn't let him out. He said that when Axel is out in the yard with him sometimes he does go over to Mrs. Larrabee's and takes the cookies that she has put out for the birds. Mr. Krasnecki said he doesn't believe in collars or tying dogs, and will sell his house and move out of Town.

Mr. Logan reminded him of the leash law, and Mr. DeFreitas asked Mrs. Larrabee if Axel poses a threat to her. She said Yes, because her grandson is afraid of him.

Mr. Lawlor asked Mrs. Larrabee what she wants, and she said to put Axel on a run, in a kennel, build a fence to restrain him or take him back to New Hampshire where he is registered.

Mr. Krasnecki said again that the dog is 4 years old, that he had a dog before Axel with no problems, and will never tie the dog or put a collar on him.

Mrs. Larrabee said if Mr. Krasnecki wants to move from Town, OK but she won't have the dog in her yard in the meantime. Her grandson Daniel panics when he comes in the yard, and is deathly afraid of him. Mr. Brem asked if she has seen Mr. Krasnecki try to comply and she said Yes, she hadn't seen the dog until 3 weeks ago. She said it was suggested at the last hearing that he build a fence.

Mr. Blomgren read from the minutes of the last hearing and said he is concerned: 1. about Mr. Krasnecki's attitude; 2. that Axel is not a gentle type dog but a Doberman; 3. it was stated that this was the most lenient dog hearing the BOS ever held.

Mr. Blomgren said there are 3 options: 1. have the dog removed from Town within 10 days; 2. build a fence around the property to restrain him properly; 3. put the dog on a permanent run, to be approved by the Dog Officer.

Mr. Blomgren said he would move to give him those 3 options and have him let Town Manager Lynch know within 7 business days of his decision. In the absence of any choice the Board will have Axel removed from the Town.

Mr. DeFreitas seconded the motion for discussion, and asked Mr. Krasnecki where his residence is. He said New Hampshire, but he stays in Chelmsford sometimes, and the dog is always with him. Mr. DeFreitas said people have to come first.

Mr. Lawlor said that he has a problem with the options as outlined - he knows Axel and his behavior and knows how John Krasnecki is with Axel. He thinks Mr. Krasnecki's solution is extreme but can't support these options because they are too severe, although he doesn't have a different option.

Mr. Brem suggested that one option might be an electric fence, which if the animal is shocked once teaches him to stay away from it.

The options were further discussed, and Mr. Lawlor asked Mr. Krasnecki if he would comply. Mr. Krasnecki answered that Mrs. Larrabee has opened his eyes and he will look for a new Town. The vote on Mr. Blomgren's motion was 4 in favor, 1 opposed (Mr. Lawlor). Mr. Krasnecki will be sent a written copy of the vote.

Barbara Carye Housman and Drew Leff of Altid Enterprises were present to ask the Board's support for their article rezoning the Mall at the upcoming Town Meeting. It is presently a non-conforming use and correcting the zoning will allow them to add a restaurant. F and R Distributors is bringing in more business and they plan to make the Mall facade more attractive. They are asking for BOS support at the Town Meeting. Mr. Leff said this is the only property owned by Altid to be re-zoned, and they want to change from a CA zone to a CC zone to have 30% coverage. Some improvements have already been completed.

Mr. DeFreitas said that their meetings with the residents have been good and he can support the change.

Mr. Lawlor said that he is glad they have received support from the Finance Committee and the Planning Board, and he will support the article.

Mr. Brem asked if this is the same proposal as at the last Town Meeting and was told Yes. He asked if they intend to sell the property after it is re-zoned and was told No. He said he hoped they would continue their relationship with the neighborhood.

Mr. Blomgren said he agrees with other members and will support the article.

Mr. Logan wished Altid the best of luck at Town Meeting.

Under Reports, Mr. Logan said we have received a request from Frank Roark to install sprinklers in front of the Town Offices. Mr. Lynch said he has met with Jim Pearson and they are working out the details.

Mr. Blomgren moved, seconded by Mr. Brem, unan. moved to send a letter from the Board thanking Mr. Roark for his contribution and invite him in for a Certificate of Appreciation after the installation is complete.

Mr. Logan reported that he and the Town Manager have set up a meeting schedule for the next six months and pointed out some of the important dates.

Mr. DeFreitas reported that he has suspended ESP meetings during the elections, and will have to find another night to meet since Mondays are mostly BOS meetings.

Mr. Lawlor thanked Mr. Logan and the other Board members for the warmth with which they have welcomed him and Mr. Brem. He asked the voters to remind them if they are not keeping their campaign promises.

He also wanted to remind residents that this is the start of the Little League season and to ask them to be extra careful driving by the Rte. 110 fields.

Mr. Brem then thanked Board members for the warm welcome and thanked the other candidates for a clean campaign. He congratulated all candidates in all offices.

Mr. Brem reported that the Cultural Council has installed a new sound system in the Old Town Hall, which is available to any group. He noted that the Council is planning an All Arts Weekend for October, 1992.

He reported that the "Brem line" used during his campaign will be installed as the "Select Line" in the Town Manager's Office and any resident may call 250-5200 with any comments, complaints, questions, etc.

Mr. Blomgren reported that he wants to invite CADAC to a meeting to bring the Board up to date on their programs. Mr. Logan said that June 1st is the next regular meeting after Town Meeting.

Under Town Manager Reports, Mr. Lynch welcomed Mr. Lawlor and Mr. Brem, and said he is looking forward to working with them and the other three Board members. He said he has added several Work Sessions for long-range planning to the meeting schedule. He reported that the Select Line is ready to go. He wanted to remind residents that he is available to the public from 3:30 to 5:00 pm every Tuesday, his "Open Hours".

Mr. Lynch reported that he met with residents living in the area of the Stoney Brook Rod and Gun Club, and will keep Board members up to date on the progress in solving the noise problem.

Mr. DeFreitas asked him for a progress report on lowering the dam on Hart Pond. Mr. Lynch said that Friday they had lowered it by app. 2", will do 2" more shortly, and then another 2". The DPW Director is coordinating this. Mr. Lynch said that he did respond to the residents as soon as possible and that if any resident has any problems in the future they should contact us immediately.

Mr. Lynch announced that the Annual Town Meeting Forum for Town Meeting reps will be held in the Town Offices Gym on Wednesday, April 22, at 7:30 p.m.

Under Other Business, Mr. Lynch said that we need to set a Solid Waste User fee. We have had this fee for two years, and under the by-law the user fee must be set prior to Town Meeting. If the override is successful, we won't need the fees. This year we only need 3 fees for tags: tags - \$.90 each; bulk items \$10.00 each; dumpster fee - \$40/year per unit. He went over the fee calculations: Solid Waste: \$42/year for single home; \$30/year for multi-family; \$25/year per unit for a dumpster. Recycling: \$35.05 for single; \$23.70 curbside multi-family; \$21.75 dumpster. Mr. Lynch said he would like a vote tonight.

The bulk program was discussed - items will no longer be picked up quarterly but one item per week.

Mr. DeFreitas stated that it is crucial that Town Meeting passes the by-law keeping trash in the override if it passes.

Mr. Lynch said that all billing will be done by Waste Management and he wants to have a decision on fees before Town Meeting.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table this vote until the Work Session on April 23rd. Barbara Scavezze or a representative from SWAC and any other interested parties are invited to attend.

Mr. Logan explained the Policy section on the agenda and said that it will stay on the agenda.

Mr. Blomgren said he wants the Town Accountant to come to BOS meetings on a monthly basis, and Mr. Logan said to put Town Accountant back under Reports. Mr. Meyler will be asked to attend the April 27th BOS meeting at 6:30 p.m. at the Parker School.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting at 9:15 p.m.

For the Board of Selectmen, by

John E. Carter

RECEIVED
92 JUN -2 PM 12:19

Regular meeting of the Board of Selectmen held Monday, April 27, 1992 at the Parker School Library at 6:30 p.m. Members present were: William R. Logan, Richard E. DeFreitas and Jeffrey A. Brem. Peter V. Lawlor joined the meeting at 6:40 pm and Roger A. Blomgren was out of Town. Town Manager Bernard Lynch was also present.

Chairman Logan called the meeting to order at 6:35 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to proclaim the week of April 27 as Youth Government Week. Mr. DeFreitas read the proclamation.

Approval of the minutes of March 30 and April 6 will be held until Mr. Blomgren is present.

Motion by Mr. DeFreitas, second by Mr. Brem, unan. to approve the minutes of the meetings of April 9 and April 13, 1992.

The Board then met with Town Accountant Bernard Meyler. He told the Board that the books are all closed for FY91 and we have the Audit Report and the Free Cash figure. They are working on FY92 and are up to date on receipts, etc. Mistakes are being corrected on the computer and the computer company is writing a report.

Mr. DeFreitas commented that he hopes we can close out FY92 during the first month of FY93. Mr. Lawlor asked Mr. Meyler if he needs anything else from the Board to do the job for the upcoming year and Mr. Meyler said he is not happy with the computer software, he can't do the reports he would like to generate and day to day tasks take 3 times as long as they should.

Mr. Lynch said that in the Capital Planning Budget we are asking for money to begin the process of updating the equipment, and he asked the Board to give support to that proposal.

Mr. Lawlor ask Mr. Meyler to explain how he would tie in the new software and he said he would run old and new concurrently for a month. He said he has tied in systems before and Mr. Lynch said that the Finance Director has, also. Mr. Meyler explained that he didn't want to change anything until we were up to date.

Mr. Lawlor asked Mr. Lynch with Midge McCormack leaving will they fill the position immediately and Mr. Lynch said Yes, with a data entry person.

Mr. Meyler said that they will be moving the payroll department to the Accounting Dept. from the Treasurer's office. Mr. Meyler said he has been looking at new software and feels comfortable where he is right now.

Mr. Logan asked him to plan to come to meet with the Board every month, Mr. DeFreitas asked him to come in when he is all caught up, and Mr. Brem asked him for a report on the software he is looking at.

The Board then held Public Hearings on streets up for acceptance at Town Meeting. Town Engineer/DPW Director Jim Pearson was present with recommendations on each street.

1. **Boardwalk** - Mr. Pearson recommends acceptance. The Planning Board is holding a \$5,000 bond on Boardwalk and Pennsylvania Avenue. No one present spoke in favor of or opposition to this acceptance. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve.

2. **Pennsylvania Avenue** - The work is complete and Mr. Pearson recommends acceptance. No one was in favor of or opposed to this acceptance. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

3. **Waterford Place** - Mr. Pearson recommends accepting the first 835 feet, with 8 lots. The Planning Board is holding a \$5,000 CD, to be released upon acceptance. No one spoke in favor of or opposition to this acceptance. Motion by Mr. DeFreitas to approve, seconded by Mr. Lawlor for discussion. He asked if acceptance is only to the temporary cul-de-sac and was told Yes. He asked who would be responsible for any damage done to the the first part of the street while work is being completed on the second part and was told it would be up to the contractor. Vote was 4 in favor to approve.

4. **Braeburn Road** - 9 lots off Park Road, or 1146 feet. The Planning Board is holding a \$72,000 passbook. Mr. Pearson said the road is 90% complete and we have the As Built plan. Mr. Pearson is recommending acceptance if we have the Planning Board turn the bond over to the Town and have the \$6,000 worth of work completed by the Town and give the rest of the money back to the contractor. He has no incentive to complete the work since the bank will give the rest of the money to the FDIC. No one present spoke in favor of or opposition to this acceptance. Motion by Mr. DeFreitas to approve, seconded by Mr. Lawlor for discussion. He asked Mr. Pearson if we should accept the street before completion of the work and he said we should get Town Meeting acceptance. Mr. DeFreitas amended his motion by adding upon completion of the work with monies being taken from the savings account. Vote on the amendment was 4 in favor. Vote on the main motion to approve was 4 in favor.

5. **Purcell Drive** - Mr. Pearson said that this 1100 foot street was approved by the Planning Board in 1967 and the bond was released in Sept. 1969. We have the As Built plans, which met the standards at that time. The road is still in good shape. Mr. Logan asked if anyone wished to speak on this acceptance. Bernice Scott, 25 Purcell, said they have lived there for 23 years and were not notified by the Conservation Commission when

they took over the Cranberry Bog. Mr. Lynch said they didn't have to notify anyone. She said that they have a right of way deeded directly to the Lowell Cranberry Co. Gordon Scott said there is supposed to be a drain around the circle and was told to talk with Jim Pearson after the meeting. Mr. Lawlor said they should consult an attorney about the easement.

John Balian, 3 Purcell, asked if there are going to be any changes to the road and was told No. The acceptance just fell through the cracks in 1969.

Frank Andreatta, 1 Purcell, said that they have had frost heave problems in past years and Mr. Pearson said they have fixed a major drainage problem near Meehan Drive.

He said that there is a catch basin near Acton Road and Purcell Drive which freezes over and asked if it had been taken care of. Mr. Pearson said No, but he would take a look at it.

On the second half of the street, 1280 feet, there is no As Built plan for the extension. He recommends if the Board votes to accept the street they should ask the Engineering Office to draw the Street Acceptance plan.

Pat McCormick, 14 Purcell, said she has lived there for 9 1/2 years and feels that several things fell through the cracks. She said there should have been drainage between her house and #12, which was corrected by Harold Gray, former Highway Supt. She has heard that her house is in a Flood Plain. Mr. Pearson said this is not up to the Town but to the surveyor to tell her. No one spoke in opposition to acceptance.

Mr. DeFreitas said that since this fell through the cracks 23 years ago he will move to accept and ratify the 1967 vote of the BOS at that time for the first section, seconded by Mr. Lawlor, 4 in favor.

Motion by Mr. De Freitas, seconded by Mr. Lawlor, unan. to accept Mr. Pearson's recommendations and ask the Town Engineer to do a mylar for the extension.

6. Thornton Lane - app. 1966 feet. Mr. Pearson said they couldn't find the original BOS vote but did find the release of the bond by the Planning Board for 640 feet, and think it was probably accepted by the BOS along with Purcell. There are no As Built plans and he is recommending that the Engineering Office be asked to draw them.

George House, 12 Thornton Lane, said he recommends approval and no one was opposed.

Motion by Mr. DeFreitas to accept, with the Town Engineer to draw up the As Builts, seconded by Mr. Lawlor, unan.

7. Meehan Drive - Mr. Pearson said it is the same as the first half of Purcell - 957 feet, and we do have the As Built plans. No one spoke in favor of or opposition to this acceptance.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

Donald Darling, present owner, and Allan Baron, prospective owner, were present to discuss the transfer of the Common Victualer and Billiard Table licenses for "Pockets", 313 Littleton Road.

Mr. Logan read the letter of intent to purchase the business signed by Mr. Darling and Mr. Baron and his partners Robert Campbell and Patrick Hamilton. He said that Mr. Baron owns the Cue Connection in Merrimack, NH. Don Darling told the Board that he has owned Pockets for app. 3 years and now wants to sell because he can't afford to keep it going. He had modeled the room on Mr. Barons' place in NH, and expanded it to hold small dances. The police asked him to stop holding dances and he has done so. Mr. Baron is planning to bring in leagues and tournaments.

Mr. Baron said he has been in Merrimack for 6 1/2 years, and has been one of the first upscale billiard operators. He runs a family business, catering to the adult community, and said he does not want to transfer the entertainment license. Mr. DeFreitas asked how big a change in scope was he planning and Don Darling said that he hadn't had tournaments and was licensed for 18 tables, although he had sold one to pay for the dance floor. Mr. Baron said he wants to use the 17 that are still there. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the transfer of the Billiard Table and Common Victualer licenses.

Board members had no reports and Mr. DeFreitas said he wants to ask the Town Manager to report on Hart Pond and the dog situations. Mr. Lynch had to leave the meeting to meet with the Finance Committee. It was noted that he has two appointments to make.

At 7:30 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table these items until Thursday, April 30, at 6:45 p.m.

For the Board of Selectmen, by

Idile E. Carter

RECEIVED
92 JUN -2 PM 12:19

Regular Meeting of the Board of Selectmen was held at Parker School Library at 6:45 p.m. on Thursday, April 30, 1992. Members present were William R. Logan, Richard E. DeFreitas, Peter V. Lawlor. Jeffrey A. Brem joined the meeting at 6:55 p.m. Selectmen Blomgren was out of Town. Town Manager Bernard Lynch was also present.

Chairman Logan called the meeting to order at 6:45 p.m.

Chairman Logan asked the Board members for their reports.

Selectman DeFreitas reported that E.S.P. will be meeting the 2nd Wednesday of every month.

Selectman Lawlor said that he and Selectman Brem had received the Policy and Procedures the previous boards had adopted. He asked permission from the board to revise them to make them more readable and easier to follow. He would not be revising the content only finding facts to establish a criteria for issuing licenses, etc. With the boards permission granted he will go ahead with the project and distribute for their review when it is complete.

Town Manager Reports: Bernie reported that he was pleased that the town has maintained their A1 bond rating. This will be helpful for the upcoming Sewer and Capital Planning improvements. **Baptist Pond:** Bernie said they are continuing to monitor the pond, taking the dam down 2 inches at a time. Selectman Lawlor inquired about the letter the Board received from Jim McBride stating that a permit was needed to lower the dam. Bernie said that McBride wanted to put in writing that a permit was needed. Bernie reported that he has requested the Board of Health, D.P.W. and Conservation Commission provide him with a written chronological account of when they heard about the problems at the pond, how the complaints were handled, site visits, etc. Mr. DeFreitas said he thinks there should be better communication between boards. Mr. Brem said he doesn't want the same thing to happen again and would like Jim Pearson, Conservation Commission and Carlisle to prepare a management plan. Bernie reported that a plan has already been put in place per recommendation from Mr. Fumilaro, Dam Safety Inspector with the state. **Kransnecki Dog:** Bernie reported that he met with Mr. Krasnecki and he has agreed to keep his dog tied. **North Town Hall:** Bernie stated that the town received approval from town meeting 2 years ago to sell the property but he was waiting for the market to come back. Bernie said he would like a clean sale, not to a non profit organization, with a minimum bid of \$100,000. Bernie will prepare bid package for Board to review before the next meeting. Jeff suggested speaking to the Historic Commission to see if they want to make restrictions.

Other Business: Selectmen DeFreitas asked Bernie if he had an update of the Gun Club. Bernie said that he met with the neighbors at 5:30 this evening and has a meeting with Westford May 1. Selectmen Lawlor asked about the beaver issue at Stoney Brook. Bernie reported that they are watching the area and breaking down the dams when necessary.

Appointments: Bernie asked that Boards approval for Will Perry to be appointed to the Personnel Board. Mr. DeFreitas made the motion, Mr. Logan 2nd, unanimous.

Contract Awards: None

Chairman Logan introduced Larry Fisher of 2 Kelshill Road who asked the Board to review his handout regarding issues concerning the Water Tower. Mr. Fisher explained that he did not feel all the needs of the residents had been met in the area especially concerning water pressure. Due to the time factor Mr. Kelshill was only able to speak to the Board briefly about his concerns. Mr. DeFreitas said he is looking forward to his presentation this evening.

There being no further business the meeting adjourned at 7:25 p.m.

For the Board of Selectmen, by

Marian D. Curran

RECEIVED
92 JUN -2 PM 12:
MAY 18 1992
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, May 11, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Finance Director Fred Mansfield was present asking the Board's approval to sell \$8.265 mil in bonds. He explained the terms, and Mr. Lynch said that the rate is 5 1/2%. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the sale of the bonds.

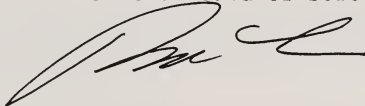
Mr. Lynch told the Board that he has appointed Bruce Knowles to the Chelmsford Commission on Handicapped Affairs and Joseph B. Shanahan, Sr. as the part-time Assessor. He also notified the Board that there is a meeting at the Billerica Town Hall on Wednesday evening to discuss regionalization.

Mr. Brem left the meeting at 6:45 p.m. At his request Mr. Lynch discussed Mr. Brem's interest in obtaining notepaper-sized stationery for the Board, but other Board members did not think this was necessary.

Mr. Logan announced that the next meeting will be held on Monday, May 18th, and will be primarily to meet with Town Counsel in Executive Session to discuss pending litigation and collective bargaining.

At 6:55 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by



RECEIVED
92 JUN -2 PM 12:19

Regular meeting of the Board of Selectmen held Monday, May 18, 1992. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Chairman William Logan was absent. Town Manager Bernard Lynch was also present.

The Board met with Jeff Stallard, 146 Tyngsboro Road, in Open Session. Mr. Stallard is a member of the Veterans' Memorial Park Committee and had three reasons for coming before the Board: 1. they are asking for the replacement of two POW flags, the one in Vinal Square is ripped and the Center Common flag has a hole in it. They would like them replaced prior to Memorial Day and Mr. Lynch said this will be done. 2. The Park Committee wants to thank Mr. Lynch and the Board for giving \$5,000 HUD money to the Committee; and 3. the Veterans' Memorial Park Committee is holding an Awards Night at the Chelmsford Elks on June 12th at 7:00 pm and they are inviting the Board as their guests. Mr. Lawlor asked Mr. Stallard why the third flag at the park is not related to the Veterans or the United States, and Mr. Stallard said that it should hold the State or Town Flag but that they are now rotating the flags on the third pole for holidays or commemorative occasions.

Vice Chairman DeFreitas called the meeting to order, noting that Mr. Logan is absent.

No Board members had Reports.

Mr. Lynch reported that re Baptist Pond, the water has been lowered by app. 1 foot, actually 9 inches, and we have stopped removing boards from the dam. Some people are now concerned that the water level is too low, and we are continuing to monitor the situation.

2. Mr. Lynch reported that re the beavers in North Chelmsford, he asked the Conservation Commission to contact the Friends of Animals to have them removed and he has also asked to have the debris created by the beavers cleaned up.

3. Littleton Road - Mr. Lynch reported that an agreement is being worked out and repaving work should start within a week to 10 days and should be completed by June 30th. They will do patching and put down one inch of bituminous concrete (this is controlled by the State). Town Counsel James Harrington said that we have a copy of the permit from the State. Mr. Brem said that there should be a base coat on the road plus a 2" topcoat and they're only doing one inch. Mr. Harrington told the Board that a letter has gone from the Sewer Commission to the State expressing their concerns over the repaving. Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. that the Board send a letter to the State expressing displeasure with state standards for paving, with copies to our Senator and State Rep.

Mr. Brem told the Board that he had attended a meeting with Mr. Lynch that included Town Managers, Selectmen and Finance Committees from neighboring Towns. The meeting was hosted by Billerica and the purpose was to discuss aspects of regionalization. The Town Managers had already met on this subject, now elected officials have met and all present at the meeting agreed to put out a mission statement to try a regionalization effort, feeling it would be more efficient. Mr. Lynch said the Town Managers will meet to draw up a mission statement next month and added that there has been political resistance to regionalization in the past which is now being eliminated. He has also met with Towns to the South and West to discuss regionalization.

Mr. Lawlor asked more about the beaver problem and Mr. Lynch told him that this will be a test case for the Friends of Animals. We need a long-term solution, and this problem is not unique to Chelmsford.

Motion by Mr. Blomgren, seconded by Mr. Brem, unan. to approve the one-day liquor license for May 24th for St. Vartanantz Cultural Pavilion but to have them attend a meeting to discuss their plans before issuing them the requested license for June 26 and 27.

Motion by Mr. Lawlor, seconded by Mr. Brem, unan., to issue a one day liquor license to St. John the Evangelist Church for May 30th.

There was no New Business.

At 7:50 pm motion by Mr. Lawlor, seconded by Mr. Brem, to adjourn to Executive Session to update the two new members on where we stand with pending litigation and collective bargaining. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye and Mr. DeFreitas-Aye. Mr. DeFreitas told the press that the Board would not be returning to Open Session and there would be no announcements.

For the Board of Selectmen, by

Judith E. Carter

82 JUN 16 PM
92 JUN 16 PM
Regular meeting of the Board of Selectmen held Monday, June 1, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session residents of Hart Pond were present to discuss the water level of the lake with the Board. Mr. Logan gave the background of the problem and asked for any new developments.

Leonard Fitzgerald said he has owned property on the lake for 30 years and used the pond for 50 years. He opened his cottage 3 weeks ago and noticed beach that usually doesn't show until August 1st. He took measurements on May 17th and others agreed that it was too low. He told the Board that we could lose the lake if the water level stays like this, with evaporation and heat waves, and it is not the pond's fault that we have septic problems.

Bud Keenan, Lakeside Avenue, read a short statement from a group of neighbors, and thanked the Board for lowering the water level. Mr. Keenan said that the story around the pond now is that the problems with the pond are stemming from Lakeside Avenue. After April 6 when the Board ordered some of the boards at the dam taken out it was feared that all would be flooded downstream, but this didn't happen.

Mr. Lynch said that we have a report from the Dept. of Environmental Management which made various recommendations. DPW Director Jim Pearson said he would follow all the recommendations except the stop logs at the pond. Mr. Lynch said the report from him and Mr. Pearson is not complete yet, that quite a bit of work is going into it and it will be done in July. They are trying to balance the needs of both sides. He has already asked the Board of Health to test all the septic systems around the pond.

Cheryl Collier, Lakeside Avenue, said they need the Board of Selectmen and the Board of Health to agree not to raise the level of the lake.

Selectman Brem said he has measured 29" from the top of the Boards, and others want it lowered to only 22" from the top. The Town Manager will report on what has been happening.

Susan Olsen, 140 Groton Road, said that she wants to speak on behalf of six other residents on the beaver problem and flooding. Mr. Logan said we will go back into Open Session after the regular meeting. It was agreed that Mr. Lynch will meet now with the North Chelmsford group and the Friends of Animals. He will rejoin the meeting in time for the Public Hearing on Country Club, Too.

At 7:30 p.m. Chairman Logan called the meeting to order.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to approve the minutes of March 30 and April 6. Vote was 3 in favor, 2 abstentions (JAB and PVL, because they were not yet on the Board).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve minutes of the following meetings: April 13, April 27, April 30, May 11 and May 18, 1992.

Mr. Logan then presented a Certificate of Appreciation to Frank Roark of Roark Irrigation, for his donation of an automatic sprinkler system at Town Offices. Mr. Roark said he was glad to do it. Mr. Blomgren commented that Mr. Roark's company has been very active over the past 10 years in raising money for the needy over holidays.

Mr. Logan then thanked Bruce Cumming Landscaping for the donation of the landscaping at the Town Offices and we will send him a Certificate of Appreciation.

Mr. Logan then opened the Public Hearing on the application of Angeliki Kalogerakos for a Common Victualer's license for a Greek restaurant EVZON, in Bay 1, Courthouse Shopping Center, 83 Parkhurst Road. Ms. Kalogerakos said she wants to open a Greek American Restaurant, with no liquor, with a seating capacity of 50. Mr. Blomgren questioned the septic system but a memo from the Board of Health said any problem has been resolved. Ms. Kalogerakos said she would like to open in 3 weeks, that she has never run a restaurant before and the hours requested are 11 am - 10 pm seven days a week. She presented the green Return Receipt cards, and no one present wished to speak in favor of or against this license.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve this license with the hours applied for. Vote was 4 in favor, 1 abstention - Mr. Logan, since the Courthouse is an abutter.)

The Board then held a Public Hearing on the application of Country Club, Too for a Wine and Malt Beverages Club License. Mr. Logan turned the Chair over to Vice Chairman DeFreitas and left the room, stating he has a conflict of interest since he is the General Manager of The Courthouse. Attorney Dennis McHugh addressed the Board, saying that he is representing David Cunha and Country Club, Too. The building at 67 Parkhurst Road has 30,000 square feet, of which Country Club USA is using 10,000. The parking lot has 100,000 sq. ft. and 160 parking spaces. Mr. Cunha has purchased the property and the rest will be retail space. Mr. Cunha has formed Country Club, Too and wants to use 6,000 sq. ft. of space to use as a club for billiards tournaments and professional associations. He is asking for the Beer and Wine license to promote these tournaments, of which many are sponsored

by beer companies. Tournaments will bring increased business to the area and Budweiser wants to sponsor two 256 player tournaments. Mr. Cunha would manage this 6,000 sq. ft. area as a private club, and has planned for 31 lounge seats, all at the bar. The hours requested are from 11 am - 1 am for the Common Victualer license, and 11 am - 12 midnight for the Beer and Wine license.

Mr. DeFreitas asked if anyone present was in favor of the application, and Cheryl Washafsky, 2 Moonbeam Avenue, said she is supporting the expansion of the premises. No one spoke in opposition to the application.

Michael Rossman, Vice President of Mad Maggie's, said they have a beer and wine license in Danvers. This is a family-type business, with 34 pool tables and arcade games, club type food, and they have had an alcoholic license from the beginning. Their room is split in two, one side for minors and one for adults, with 3 cocktail serving areas. It is not a private club, but open to the adult public. Mr. DeFreitas asked if the license requested for Country Club, Too is strictly for the private part and was told Yes.

Mr. DeFreitas said it is the policy of the Board not to vote on a liquor license on the same night as the Public Hearing and we will schedule the vote for June 15th.

Mr. Brem asked if any more pool tables are being contemplated and Mr. Cunha said Yes, he will have 47 when the rooms are completed. He added that if they are ready by July 18th they can book 2 major tournaments.

Mr. Brem asked how this addition would affect the total parking and Mr. Cunha said it would require just more than one-half the 150 spaces. He said that he has no room for amusement devices, and will be adding restroom facilities.

Mr. Blongren asked if he is asking to expand the tables to 47, and Mr. Cunha said Yes, and that the present food service area will serve both rooms.

Mr. Cunha told the Board that he has a camera system for security on the stairs and in the parking lot and will put in more cameras for surveillance of the whole parking lot.

This is a family business, his wife and daughter both work here, and he has put his life savings into the building. He intends to pledge the liquor license to the bank.

Mr. DeFreitas asked if membership in the club will require pool skills, and was told not necessarily. Mr. Lawlor asked if when he got his license in 1990 he planned on Beer and Wine, and Mr. Cunha said no, that he didn't plan to own the building, either.

Mr. Lawlor asked what if he doesn't have enough business privately, and Mr. Cunha said he will have top pros come in every couple of months.

When asked by Mr. DeFreitas Mr. Cunha said that the tournaments will start in both sections, but beer will be allowed in only one section. He was asked about a card key door, and said he doesn't consider it as good as checking an ID and membership card.

Mr. Blongren said that the Cunha family has shown good performances in any business they have been associated with, are trying to further this business and shouldn't have to wait two weeks for the Board to vote.

Mr. DeFreitas stated that we should follow our practice to be consistent, that he is not against the license but doesn't want to make an exception by voting tonight. We could vote the Common Victualer license, but he feels they should be voted together. Mr. Brem said he won't be here on the 15th, and would be inclined to vote tonight.

Motion by Mr. Blomgren to waive the waiting period to give the petitioner the opportunity to proceed, seconded by Mr. Brem.

Lisa Delfino-McLaird, 72 Amble Road, said she thinks the business would be enhanced by the enlargement and the license.

Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to close the Public Hearing.

Vote on the motion to waive the waiting policy was 3 in favor, 1 opposed (Mr. DeFreitas).

Motion by Mr. Lawlor, seconded by Mr. Brem, to vote to approve the Common Victualer license contingent upon the granting of the Beer and Wine license. Vote was 4 - 0 in favor.

Mr. Blomgren moved to approve the Beer and Wine license subject to: having Mr. Cunha report back to the Board on his progress prior to the renewal of licenses at the first meeting in December.

Mr. Brem seconded the motion for discussion by adding the self-imposed condition that he go as a private club, requiring for membership sufficient documentation of age and ID, and adding the hours from 12 noon to 12 midnight.

Vote on these amendments was 4 - 0.

Mr. Lawlor said this is a difficult application for the Board to consider, due to the image of pool halls. He said he had visited last night and found it was clean and well-run. He knew the family when they had the Oaken Bucket in Westford, which was always first class, and he feels their credentials warrant special attention.

Mr. Brem said he had visited Friday night and there were no problems - it was a clean, well-run club.

Mr. DeFreitas said he remembers the Old Oaken Bucket - that it was always clean and well-run.

Vote on the motion to grant a Wine and Malt license as a Private Club from 12 noon - 12 midnight was 4 - 0 in favor.

At 8:40 p.m. Mr. Logan stepped back as Chairman, and the Board met with the Chelmsford Alcohol and Drug Awareness Committee (C.A.D.A.C.) Steven Hone, Chairman, said that Bud Wilkins, Sandra Hone and Tom Quattrocchi serve as directors of the group, which was founded five years ago. He listed some of their projects: working with awareness projects such as SADD; putting out a community information booklet to be mailed to each home; sending out a newsletter to members; involvement with a leadership program with the Recreation Commission and CHS

students; booth selling T-shirts, etc. at 4th of July; Drug Awareness tables at the schools; information phone at Town Hall - 256-2005; Red Ribbons Day, run by Wendy Marcks, for all schoolchildren; support groups at CHS 3 times per week; Drug Free signs placed in all schools, purchased through grant money. Mr. Hone said that CADAC is having a difficult time getting support and may not survive the summer. They are appealing to anyone in the Community who would like to get involved, and need new ideas and people to come in and assess where the group is at. Mr. Blomgren said he has served as an informal liaison between the BOS and CADAC and can no longer do so. We need someone to attend meetings and report back to the BOS. Mr. Logan said they will have a new liaison within a few days.

The Board then met with Martha Siegel, 19 Kylberd Drive, Westford, a representative from the St. Vartanantz Cultural Pavillion. Mr. Logan said he will chair this meeting but not vote.

Ms. Siegel said that the two one-day alcoholic licenses requested for June 26 and 27 are for the celebrations of weddings of their parishoners. Mr. Brem said he is concerned about the number of one-day licenses that we are granting to their church. Mr. Blomgren said that in the past it seemed OK if we granted 4 or 5 a year, and asked if the nature of the function hall is supposed to change?

Motion by Mr. DeFreitas, seconded by Mr. Brem, to grant these two licenses, noting that they are now at the maximum in a revolving 12-month period. AA to send a letter to the church administrator indicating these conditions. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Logan said that Attorney James Geary is present to explain the request of his client Charles D'Angelo, President of North Chelmsford Auto Parts, for a 3 month extension on his Class III Auto Dealer's license. Mr. Geary said that Mr. D'Angelo has had a Class III license at that site since 1965 and there has been an active industrial business there for over 60 years.

Mr. D'Angelo has had to work with the Board of Appeals and Conservation Commission and is following their conditions. Mr. D'Angelo had written a letter to the BOS stating that he is having trouble sticking to schedule but plans to complete the clean-up project. Town Counsel has recommended that the Board extend the license for 90 days or until the September 14th meeting.

Motion by Mr. DeFreitas to grant the extension to the first meeting in September, seconded by Mr. Lawlor, unan.

Mr. Geary then explained the letter to the Board re their right of first refusal on selling two lots of the Sheehan property. These are the same two lots as last year, but the sale didn't take place. The lots are now under agreement for \$60K and \$65K. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to waive the right of first refusal for the Town.

Under Reports, Mr. Logan reported that D.J. Reardon was going to build a \$3 mil facility at the Drum Hill Tech. Park but is now not going to for several reasons - their biggest concern is the economy and they will stay in Billerica. This was a flagship project for his Economic Development Project, and it was noted that they had encountered some annoyances in Town. Mr. Logan wants to ask the North Chelmsford Water Commissioners to our June 15th meeting to discuss policies. Mr. Logan will draft a letter inviting them and also with a list of questions we will be asking.

Mr. Logan asked the Town Manager for an update on the Littleton Road re-paving. Mr. Lynch said that it began a couple of weeks ago and that he gave erroneous information at the last meeting regarding the amount of paving going down - they have patched out certain sections and are putting down 1 1/2" of binder pavement and 1" of topcoat, which is a standard amount of paving. They hope to finish by June 30th.

On the parcel of land on Drum Hill Road between Burger King and the Plaza - Mr. Logan talked with the bank and there is a problem with the land. Mr. Lynch said it is a gas problem, and we have tried to get the owners to deal with the hazards at the property - breaking out and boarding up windows.

Mr. Logan asked about Canned Goods Plus on Princeton Street, where there are trailers parked on the site. Mr. Lynch said that Middlesex Sales owns the property and on April 9 they were taken to court by the Fire Dept. The new date is June 16.

Mr. Logan said thanks and congratulations to Jeff Bren for the Selectline - it is a big help to the Selectmen.

Mr. DeFreitas reported that his ESP group is going into a new phase - they are going to be more pro-active, and will meet the second Wed. in the month. He checked on the Canal Street pole in the middle of the street and found 5 more poles in the middle of roads in East Chelmsford. Mr. Lynch will check with the utility companies. On the Hart Pond matter, Mr. DeFreitas said it looks like the water could come up during the summer. He saw a lot of green slime near the beach area and asked that while the lake is low we ask the Board of Health and the DPW to do a full inspection of all properties to see if there is any unwanted dumping.

Mr. Lawlor said that as a Policy we have asked recycled paper to be used when possible by Town depts. and asked Mr. Lynch to determine what percentage of paper used is recycled.

Mr. Lawlor said that re the Board's credibility - we need to let the townspeople know that we're spending their money wisely.

Competitive bidding under Chapter 30B - he asked the Town Manager to make all departments aware of the requirements.

Mr. Lawlor thanked the Chelmsford Businessmen's Association for a very outstanding, informative evening when they met at Bainbridge's and invited the Water Districts.

Mr. Lawlor asked Mr. Lynch on behalf of the BOS to ask the School Dept. for copy of the CHS AIDS program and video.

He asked the Town Manager to draw up a schedule of reviewing operations of different Town Departments at various times of the year. Mr. Lynch said the Board needs to establish an annual calendar and more formalized procedures.

Mr. Lawlor asked about a facilities plan - do we have one, and Mr. Lynch said that the 5-year capital plan began in 1986, but it is more budget than plan at this point. He is meeting with the Capital Planning Committee to set up a new 5-year plan.

Mr. Brem reported that he is starting general overall planning on the Route 110/Chelmsford Street corridor. The Town Engineer is getting a base map and he will start working on a long-range plan - cut down on the number of curb cuts, widen in some places, do aesthetic improvements, encourage sign conformity and pole relocations. He said there is still some state funds and federal grant monies available.

On the Select line, he said he considers it an overwhelming success, with over 50 calls. Many are administrative in nature and are taken care of by the Town Manager and the staff. There have been two calls from McFarlin Manor about rent increases, and he asked to have this looked into. Mr. Logan said he thinks this is through the CHA, and Mr. Lynch said he thinks the rent levels were set by the federal government back in 1986. We will send a letter to the CHA.

Mr. Brem announced that the Cultural Counsel is sponsoring an All Arts Weekend the first weekend in October. He is going to contact other civic organizations to see if they would like to do booths, etc.

Mr. Blomgren asked to have the Police Dept. increase surveillance and patrols at Freeman Lake and the spillway area, ask the DPW to repair signage and ask the Recreation Commission to come in on June 15th for a 5-minute update.

Mr. Blomgren asked about Frequency Sources, when are they coming in, and said he doesn't want to see them until their engineer is back from Turkey.

The Town Manager reported that on the North Town Hall, he has given the Board a draft of the RFP, and thinks we should get a minimum of \$75K. The RFP comes under CH30B and is being reviewed by Town Counsel. Mr. Lynch thinks the building is worth much more. The Board asked Mr. Lynch to obtain two appraisals by June 15th. Mr. Brem asked where the proceeds of the sale go and Mr. Lynch said in the capital account, which is a special account.

On the matter of Hart Pond, Mr. Lynch said that on April 6 the Board asked him to lower the pond at the residents' request. It was lowered 9", and is now down 7", and now we are getting complaints re biology and recreational opportunities at the lake and septage being discharged into the pond. The Board of Health will start dyetesting and sampling water. We will be studying the impacts of the water level and will be deciding on a summer level and a fall level for storage reasons. There are conflicting demands and we can't satisfy both sides. We will reach a compromise in the next ten days. He and the DPW Director feel it should be raised 3 - 4" now. A neighbor Mr. Robinson has installed motion detector lights near the dam so boards can't be taken out again without anyone knowing.

On the beaver problem, Mr. Lynch said he met with neighbors on Swain Road and Dunstable Road and the Friends of Animals. To date we have been cleaning out debris from Swain Pond in the culverts, and will do so for the next 4 weeks until the Friends start their trapping on July 1st.

He introduced Steve Ruggeri, the Director of Wildlife Policy for the Friends. He said he had held a seminar which was not well attended and they will hold another one. The theory is to modify the dams at their expense: to put beaver flumes and baffles to keep a desirable level of water and to fix the culverts so the beavers can't dam them up. By the end of July they hope to have physical materials in place to eliminate flooding problems. The Friends will practice biological control by trapping and vasectomizing male beavers and then putting them back in their habitat. Results won't be immediate - it is a long range program. Mr. Logan said that flooding is the biggest problem and Mr. Blomgren added also damage to property. Mr. Ruggeri said that these problems can be controlled through devices that are not very attractive but do the job.

Mr. Lynch continued his reports, noting that the Board of Appeals recently upheld the Planning Board approval of the Drum Hill Caldor Expansion which called for landscaping to screen the building from Parkhurst Road. There is not room for firelanes and screening both, but there is land in the shoulder of the road for screening, which would meet Planning Board requirements. They need a license to enter upon the shoulders to place screening and asked the Board of Selectmen to enter into a license agreement. Mr. Lawlor noted that the license is revocable by the Town. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to support and grant the license as presented by the Town Manager.

The Sexual Harassment Committee will be invited to the June 15th meeting.

Mr. DeFreitas introduced two new policies:

1. It shall be the policy of the Town of Chelmsford to provide incentives to managerial and administrative personnel to operate their departments below the budget levels approved by the Annual Town Meeting with no degradation in services. These incentives can be of a monetary nature based on actual savings.
2. It shall be the policy of the Town of Chelmsford to pursue a pro service attitude in interfacing with the citizens of Chelmsford. All boards, committees, subcommittees, commissions, departments and other such groups will adhere to this policy in their every day dealings with the general public.

Mr. Brem said we should categorize and number our policies.

Under appointments, Mr. Lynch said that street numbering by-law says that street numbers are set by the Board or their designee, and he recommends the Fire Chief. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the appointment of the Fire Chief as the Board's designee to set street numbers.

Under New Business, Mr. Brem noted that the override passed by a wide margin so as of July 1st we won't be using tags anymore. He asked about giving refunds, and Mr. Lynch said there are no plans to do so and suggested that people use them up or give them to their neighbors. He commended the people who worked hard to get the override passed. Mr. Lynch will report to the Board on the switchover in systems at the July meeting.

Mr. Blomgren asked to have the Town Celebrations Committee attend the June 15th meeting.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to adjourn the meeting at 10:35 pm and return to a brief Open Session.

Mr. Logan said we will again discuss Hart's Pond, allowing only 3 minutes to each speaker, and asking that only new information be presented.

Cheryl Collier, 9 Lakeside Avenue, said there are many comments that her neighbors are the cause of sewerage going into the pond, but they have legal septic tanks and leach fields. The level of the pond is low enough that you can see pipes and raw sewerage through the area near the railroad tracks. The beach opens on June 15th and the road is closed and the pond not feasible to swim in.

Robert Warner, 5 Lakeside Avenue, is a 3rd generation owner, since 1937, and said he can answer a lot of questions. He approves of the dye testing and would work with anyone he might help.

Leonard Fitzgerald said that the petition he submitted asks that the lake be lowered 22" from the top of the dam, and he wants to see that as a ballpark figure. Mr. DeFreitas asked if he had a problem when the lake was lowered 4 years ago, and he said No. Mr. Brem said he went out yesterday and took measurements and a 7" rise falls into line with the debris marks. He is recommending let it rise to 22" by June 1st and we can lower it again in the fall.

Russell Robinson, 14 Lakeside Avenue, said he replaced the boards in the dam the other night and the level in the lake has come up 3" today in the rain. Algae didn't form in the lake when the water was low in the winter - we need the natural flow back into the habitat. We did fine until the Conservation Commission wouldn't let us lower the pond in the fall.

Mr. Logan said there are problems on both sides, which are very real and very emotional. The Board is asking the Town Manager and the DPW to work out a compromise.

At 10:55 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

92 JUL -6 PM 3:22

Regular meeting of the Board of Selectmen held Monday, June 15, 1992. Members present were: Mr. Logan, Mr. DeFreitas, Mr. Lawlor and Mr. Blomgren. Mr. Brem was out of town. Town Manager Bernard Lynch was also present.

During the Open Session Leonard Fitzgerald, 34 Westview Avenue, thanked the Board for their quick efforts on behalf of him and other persons who signed the petition to have the water level raised on Baptist Pond. When Jim Pearson replaced some of the Boards the water level came back up to 22' below the dam. He said the water is now flowing about 1 1/2" over the boards, but the water level has dropped about 1 1/2' in the pond. He is afraid it will drop more over the summer.

Mr. Lynch said he is continuing to assess the situation, and we have put another board back in. We have to determine the appropriate water level for the winter and then for the summer. He told Mr. Fitzgerald that we won't lower it any more and will add another board if the level decreases too much. It has dropped 5 - 6" from when we started. Mr. Fitzgerald said the level has dropped about 3 1/2" from when the Town put the boards back in and asked if we can maintain that level for the rest of the summer, and Mr. Lynch said yes, unless it drops too much.

John Syria, 6 Monmouth Street, said he is again complaining about his pet peeve - the intersection of Route 129 and Rivenneck Road. Mr. Logan said that the Traffic and Safety Committee has said that the layout is what the state requires. Mr. Syria said that PVC pipes were put in and people still don't handle the intersection right, and he wants an island. Mr. Lynch said that we need the space open for plowing and access to the cemetery and for the Fire Dept. ladder truck. Mr. Logan will bring the problem back to the Traffic and Safety Committee and the Town Engineer Wed. night, and Mr. Logan asked to have the Town Manager speak to the Police Dept. to have the Traffic and Safety Officer check this intersection. Mr. Syria also asked to have the crosswalk in front of the library checked.

At 7:20 pm Mr. Logan adjourned the Open Session.

Chairman Logan called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the May 18 Executive Session.

Motion by Mr. Lawlor to amend the minutes of June 1, 1992 by adding under the discussion of Country Club, Too on Page 3 that Mr. DeFreitas asked if anyone present wished to speak in opposition to the application and no one spoke. Mr. DeFreitas seconded the motion to amend, vote was 3 in favor, 1 abstention (Mr. Logan because he did not sit on the hearing). Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes as amended.

Mr. Logan said that the Toll House on the Common has been restored and gave credit to those responsible: Dr. Paul Canniff and his son scraped, John Krasnecki sided the building, Bill Spence paid for the paint, Barry Bell worked on the roof, and Rotary Club paid for the roofing material. Mr. Logan gave Certificates of Appreciation to the people involved.

Mr. Logan then presented a Certificate of Appreciation to Little League's President George Greenman, noting that with the Senior Field being finished the Little League complex on Route 110 is now complete. Mr. Greenman then read some remarks, giving the history of Little League in Chelmsford, and noting its ups and downs and major accomplishments since 1952. Board members congratulated Mr. Greenman and the organization.

A Public Hearing was held on the application of C. K. Smith Co. for a Class II Auto Dealer's license to be exercised at North Chelmsford Gulf, 81 Tyngsboro Road. Paul Cahill, District Manager, said they want a used car lot at the gas station, with a maximum of 5 cars. Mr. Logan asked how the lot is laid out and Mr. Cahill started to explain, and then left to get a plot plan from his car. He showed the Board where the used cars will be placed on the lot and added that C.K. Smith leases the lot from the owners and selling used cars is consistent with the lease. The area where they want to put the cars will be paved. Mr. Logan noted that the principals in the C.K. Smith Co. have all been cleared by the Police Dept. Mr. Cahill said that they do not have experience in the used car business but will get their vehicles from auctions and other dealers, their cars will be at least in the \$4,000 range, and they have no intentions of repairing cars to be sold, that they will have area mechanics do the warranty work.

Mr. Logan asked if anyone present wished to speak in favor of or opposition to this application. John Harrington, Chairman of the Sign Advisory Committee, asked that the Building Inspector check on signs at the establishment before the license is issued. Kevin Gillis, owner of the property, said that selling used cars is consistent with the lease and he believes that C.K. Smith is capable of running a used car business.

John Blanchette, 77 Tyngsboro Road, spoke in opposition, noting that he also has a Class II license and has just had it increased. He doesn't want another used car dealer next door. They have a 20 foot easement across his property which was there when he purchased the property. They have had problems in the past and had a gasoline spill in 1986. C. K. Smith has leased the property since 1979 so they were running the property during the spill. Mr. Gillis said that they installed a recovery system in the rear of the property three years ago. Mr. Blanchette received judgment in Lowell Superior Court and the cleanup is under the guidance of the D.E.P. Mr. DeFreitas asked Mr. Blanchette if there are any other problems the Board should be

aware of before granting the license, and he said no. Mr. Blanchette said his license is for 10 cars, and he plans to do repairs himself and also to advertise. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to grant the license subject to the following contingencies: 1. no vehicles on any part of the property other than that which shows as bark mulch; 2. no more than 5 motor vehicles; 3. no repairs to take place; 4. bark mulch area to be paved; 5. Building Inspector to advise on signs; and 6. damaged vehicles not to be stored on the property.

A Dog Hearing was held on the German Shepherd Thor owned by Daniel McLarney, 43 Drexel Drive. Mr. Logan swore in those who were to testify. Mr. McLarney told the Board that his dog is usually on a run, but does get loose with children playing with him sometimes. He has made an appointment to have the dog neutered on Thursday and will also have a fence put up by July 15th. Thor has been going to the Higgins house on Graniteville Road when their dog is in heat, although he lives a mile away. Mr. McLarney always goes to get the dog when Mrs. Higgins calls, and he asked the Board to give him a month or two.

Paul Higgins, 135 Graniteville Road, said that the dog has been a chronic nuisance and comes to their house a lot more often than the twice a year when their dog is in heat.

Dog Officer Frank Warren went over his notes and said that there were two citations in 1991 and he hasn't seen the dog himself in 1992. The problem seems to be that someone in the McLarney household must make sure that the dog stays home.

Mr. DeFreitas asked if there is any physical danger from the dog and Mrs. Higgins said the dog has gone after their puppies and has snarled at her. Dan McLarney has been responsive but she has had enough and doesn't want a snarling dog on her property. Mr. Blomgren asked if the dog is neutered will that help, and Mr. Warren said it should, but said they also need more communication in the McLarney home.

Mr. Blomgren proposed that: 1. Mr. Warren check the dog's restraint to make sure it is adequate to hold him; 2. check on the proposed 5' chain link fence to make sure it will confine the dog; and 3. make sure the dog is neutered. Mr. McLarney said the fence will be in a restricted area.

Mr. Lawlor said he thinks Mr. McLarney is taking this very seriously and his actions are commendable.

Motion by Mr. Blomgren to send Mr. McLarney a letter with the outline of the above conditions, seconded by Mr. DeFreitas. Vote was 3 in favor, 1 abstention.

Mrs. Higgins said that this represents reasonable effort on Mr. McLarney's part and she will accept this solution. Mr. Lawlor said he doesn't want to the requirement of the dog being neutered, but Mr. McLarney said it is already scheduled and it is OK with him.

A hearing was then held on Rex, a collie shepherd dog owned by Carl Loomis, 3 Tanglewood Drive. Mr. Logan swore in those who would testify. Mrs. Helen Dabilis, 104 Locke Road, had complained about Rex's constant barking and asked for the hearing. She had been sent a letter notifying her of the hearing but was not present.

Mr. Loomis said he has done everything he can - putting the dog in and out for various time periods. He said that on numerous occasions Mrs. Dabilis has come over and yelled at his 73 year old uncle when the dog has been in the cellar and not outside barking. Mr. Loomis also said that there are 5 other dogs in their neighborhood and how does she know it's Rex. Mr. Loomis said that his uncle lets Rex out and can't hear him barking and has been told to only let him out for 5 -10 minutes at a time. Dog Officer Frank Warren said there have been only two calls since October, 1991 and he thought the situation had resolved itself.

Mr. Loomis said he can't afford to keep taking time off to be here and wants the issue resolved tonight.

Mr. Blomgren asked Mr. Loomis if he could come up with any recommendations and he said he will not allow his uncle to put the dog out during the day. When Mr. Blomgren commented that most of the calls have been during the evening, Mr. Loomis said that Mrs. Dabilis has come screaming to his house when the dog is sleeping in the house. He admitted that the dog has broken loose a few times.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to Table. The vote was 3 in favor, 1 opposed (Mr. Blomgren).

Mr. Logan told Mr. Loomis that he will only hear from the Board again if there are continued complaints. Mr. Blomgren asked that we document our actions - that Mr. Loomis is to keep the dog in as much as possible and have the Dog Officer check out any complaints from Mrs. Dabilis. A copy of the letter will be sent to Mrs. Dabilis and the Dog Officer.

Walter Hedlund, Town Celebrations Committee, met with the Board and discussed the 25th Annual 4th of July Celebration. He said that this is the eleventh year that the Elks have sponsored the Parade, and he went over the program with the Board.

Mr. Hedlund said that the Committee has sent application to the Department of Defense for the 50th Anniversary of World War II Community Plan which is a five year celebration plan. On July 3rd we will have the commemoration of the Veterans Park and many groups are having celebrations in the fall. Mr. Hedlund will inform the Board if the Town is accepted into this program.

Mr. Hedlund said that every second and fourth years, which are election years, the Committee asks each and every candidate for political office to march in the Parade. They are to have no signs or banners, and Bob Murray will place them in the parade.

Mr. Hedlund told the Board that the Committee has received the support from the Town Manager to get the facilities and equipment they need.

Mr. Blomgren asked who has control of the vendors and Mr. Hedlund said that they have told the vendors that pressurized string is not allowed in our Town, and Mr. Lynch said he will have recommendations from the Police Chief at the next meeting. Mr. Hedlund asked where is the Town flag and Mr. Lynch said in his safe. Mr. Hedlund said he would like to see it displayed but he knows of only one copy of the flag.

Attorney John Carragher was present with an application for an underground storage permit at 8 Littleton Road, the former Texaco Station. He is the executor of Ray Osborne's estate and the most valuable asset is the land at 8 Littleton Road. This was leased to Texaco for 20 years and they had anticipated extending their lease for 3 additional 5 year terms. They removed the existing tanks and anticipated putting in new tanks. They put a sign on the building For Lease or Sale and the property is being sold to Concord Oil Co. conditional on them getting permission for new tanks.

He, Fire Chief Hughes and Capt. Burke all feel that no Public Hearing is necessary but the Town Manager and Town Counsel feel that a hearing is needed for reinstatement.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to hold the hearing for June 29th, and Mr. Lynch asked that their engineer be present also.

Chairman Logan noted a letter from the North Chelmsford Water Commissioners responding to an invitation to meet with the Board. They declined the invitation and instead asked the Board to meet with them at their meeting on August 3rd. Mr. DeFreitas asked Mr. Logan to read the letter since it is a public document. Mr. Logan said we will discuss mutually convenient dates.

Mr. Logan turned the chair over to Vice Chairman DeFreitas due to a conflict of interest on the next discussion.

Attorney Dennis McHugh, representing David Cunha, Country Club Too, Inc., 67 Parkhurst Road, requested that the Board issue two (2) special permits to serve beer and wine, on July 16 - 19 and August 13 - 16, 1992. Since the Mass. Gen. Law states that an applicant may have only one license request pending at one time, he is withdrawing the application he submitted last Friday for a Beer and Wine Restaurant license. He also said that it is the existing facility they want licensed, not the proposed addition. He explained that these two licenses are wanted in conjunction with two billiard tournaments to be held at Country Club USA on those dates. The manager/owner David Cunha, and one bartender and one or two waitresses will be on duty at all times. Mr. Lawlor asked if his present liability policy covers the serving of alcohol and Mr. McHugh said he will get special

insurance. Only the premises that are currently licensed will be used, and the hours requested are 12 noon - 12 midnight to serve beer and wine, although the tournament starts at 10 am each day. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. that his requests be approved subject to the approval of Town Counsel that a non-profit status is not required under CH 138, Sec. 14 and that Mr. Cunha's liability insurance covers the serving of alcohol.

Under Town Manager Reports, Mr. Lynch said the Board had asked if the AIDS video was available, and he said that the School Dept. had to send back the video under copyright provisions. Dick Moser will come in on June 29th to discuss the AIDS Task Force and to ask the Board to sit in on it.

On the question of trash tag refunds he said we will be setting up two refund days - June 29 and 30 in the Treasurer's office.

Mr. Lynch reported that the North Town Hall appraisal is now under way and he will have the pricing information by June 29th.

He reported on Hart Pond, saying that the water level has increased by 5", and will be assessed every other day. The Board of Health is doing random testing of the water quality and he can ask them to look in specific areas of concern where we've had allegations of problems. Tony Ma is working on the State report.

Mr. Lynch reported that the Police Department has put on a special Traffic and Safety Unit to do specialized enforcement. He added that when the government seized the property at Dakota Drive, it had a value of \$189,000, and the Town will get 80% of the balance of the money received when the property is sold. This money has to be used in the Police Dept.

Mr. Lynch said that the Fire Chief has received a letter from Fire Pro, a Burlington consultant company, noting Chelmsford as having a well-administered fire equipment maintenance program. The Board will send a letter of congratulations to Chief Hughes.

The Town Manager told the Board that we have received notice of the right of first refusal to purchase three parcels of land at Thornton Lane and Proctor Road. The land abuts the Cranberry Bog, but he does not feel we have the money to purchase these lots at \$170,000 per parcel. He is recommending that the Board vote at their meeting on June 29th to not exercise their right of first refusal.

Mr. Lawlor asked about the Town's use of recycled paper and the Town Manager told him that it is not feasible for copy machine paper and he will have a report by June 29th.

Mr. Blomgren said he had visited the Edwards Beach/Varney Playground area and is disgusted with conditions. He noted that the sign at the entrance, basketball equipment area and the equipment house itself are in sad shape, and the beach was covered with dead fish, etc.

Mr. Lynch said the summer crew will start cleaning up and sprucing up and he will try to budget for refurbishing through Capital Planning. He added that weeds are causing a problem with the lake and we do have an underwater weedwhacker. Mr. Blomgren asked him to have a report on June 29th.

Mr. Lynch said that proceeds from the sale of the North Town Hall have to go for capital improvements and we could use some of the money at Freeman Lake.

Mr. Blomgren asked that we invite Karen Flynn and Jim McBride in on June 29th for Certificates of Appreciation for service to the Conservation Commission.

Mr. Blomgren asked that we contact the State DPW about missing signs "Entering Chelmsford" coming into Town from Westford and Billerica.

Mr. Blomgren reported that he had received a number of calls after the last meeting re the motion and vote on Country Club, Too. He read from "Off the Cuff" (Rick Lombardi, Chelmsford Independent), cited many other examples of licenses being granted the same night as the Public Hearing and said that any reference to him and Chairman Logan was not true. He said he felt aggravated both personally and professionally, and felt the press should show more courtesy.

Mr. Logan reported that the Sexual Harassment Committee's report will be discussed at the June 29th meeting and asked members to review their April 16th letter prior to the meeting. Mr. DeFreitas asked how can the Board get the power to appoint the two permanent members and Mr. Logan said he will draft a letter to Town Counsel for an opinion.

Mr. Logan said that the Princeton Street bridge is high on the list for state funding and he will write a letter on behalf of the Board to encourage this. Mr. Lynch said that the Town was further down on the list and NMCOG helped to have us moved up. Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to send a letter from the Board endorsing moving Chelmsford up on the list.

He said that repaving Littleton Road is almost completed and asked for an update on Turnpike Road. The Town Manager said he has asked for a paving schedule from the Sewer Commission.

Mr. Logan reported that a release from the Attorney General's office has said that the City of Lowell will close their landfill on January 1, 1993.

Mr. Logan said that the sidewalk survey bid is to be awarded by the Town Manager and the DPW Director, and a site plan will be drawn up.

Mr. Logan asked to have the Building Inspector check the noise level in the area around Purity.

Mr. Blomgren asked that the following be included on all licenses: appropriate legislature sent to applicants; make BOS aware of any new materials added to package on Monday; checklist on all applications.

He asked to have a proclamation for Little League Week. Chairman Logan will check the dates with George Greenman.

Under Policies, Mr. DeFreitas said that the Board can set policies that everyone must adhere to, and it is up to the Manager to implement the policies.

His first policy is to enable the Town Manager to give incentives for lowering budgets. Mr. Lynch said that this is very similar to another policy adopted by the Board last year - compensation for department heads. Mr. Lawlor commented that incentives make sense from a managerial sense, but we can't give monetary incentives unless the Town Manager appropriates funds.

Motion by Mr. DeFreitas to strike the second sentence of his policy. Vote was 1 (R. DeF) in favor, 3 opposed.

On Mr. DeFreitas' second policy, Pro Service Attitude, he said that the policy was not addressed to Town Hall employees, and moved to add "all consultants, contractors and sub contractors". The Town Manager said we have tried to develop customer service and Mr. DeFreitas said if it is already being done it should be put on the books, if only to reinforce good service. Mr.

Blomgren said he wants to see what the Town Manager's goals are to implement this policy, that the policy is good by itself but needs a means of implementation. Mr. Logan said he will support the policy with the understanding that the Town of Chelmsford has good public service and needs a plan of implementation.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve. Vote was 3 in favor, 1 abstention (WRL).

Mr. DeFreitas said he wants the practice of Personal Hold to be reviewed, and Mr. Logan asked him to present a policy to the Board on June 29th.

Under appointments, Mr. Lynch said that Lalia Nozzolo has resigned from the Sign Advisory Committee and Jim McBride from the Conservation Commission, effective immediately.

At 11:00 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Audilio E. Carter

92 JUN 21 AM 9:42

Work Session of the Board of Selectmen held Thursday, June 18, 1992 at 7:00 p.m. **Members present were:** William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Administrative Assistant Judith E. Carter was also present.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. at 7:05 pm to adjourn to **Executive Session to discuss Collective Bargaining.** Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye and Mr. Logan-Aye.

The Board returned to the Work Session at 8:05 pm. Town Manager Bernard Lynch joined the meeting.

Mr. Lynch had prepared a packet of information for the Board and this material was discussed. He had included: a memo on the relationship between the Board and the TM; ideas on his job description; annual work plan for the Board; ground rules for a Board of Selectmen adopted by Loveland, Colorado; policy development for a municipal board and policy from the Town of Ipswich.

Mr. Lynch explained his **goal setting process:** he used materials from Eugene, Oregon, which is a model for many communities. Goals are set from needs, and we need to set up a work plan and also longer term planning. He would like to re-establish the Blueprint 2000 Committee. Mr. Brem recommended that the discussion tonight go from general to specific.

Mr. DeFreitas said he feels we have deficiencies and need: 1. to get autonomous factions pulling in the same direction, with the same goals; and 2. set up a one-stop licensing agency for anyone who comes before the Town for a license or permit.

Mr. Lynch outlined **service delivery areas:** public works - infrastructure; public services - human intangibles; and public safety. Mr. DeFreitas said we need a mission statement, what is the purpose of Chelmsford Town Government?

Mr. Lawlor suggested going over the Selectmen/Town Manager relationship first and asked what is the appropriate relationship between the Board and department heads - should a Board member ever go to a Department Head directly, without going through the Town Manager. He was told No, that Board members should not try to undermine the authority of the Town Manager. Mr. Lynch said that one goal should be to better define the roles between the Board and the Manager - to develop a policy re the code of responsibility and develop job descriptions.

The Board then addressed the calendar plan drawn up by Mr. Lynch. Mr. Blomgren suggested two regular meetings per month, with a Work Session every three months. A Charter Review was suggested for August and Department Heads meeting with the Board annually. Mr. Lawlor recommended a Citizen Forum for comments, complaints and ideas and it was decided to hold this in September. The Board wants to publicize Open Session and a phone-in community input session was suggested. A Press Release will be issued every quarter reminding the public to please use the Open Session to address any concerns. Mr. Blomgren said we can also do outreach meetings at the Senior Center or Parker School.

The subject of Classification for tax purposes was brought up and it was decided that the Board will not Vote the night of the Public Hearing but wait for two weeks.

A Forum with all Departments Heads will be planned for October/November. The Board will meet with the Town Accountant on a quarterly basis and plan to meet with Town Counsel in November and April.

Mr. DeFreitas brought up the matter of Personal Hold - either the Board uses it as a courtesy or does not. It was agreed that Personal Hold will not be used - we will move to Table a subject and it will be voted on.

Mr. Blomgren said that we have assets in Town that are not being taken care of, and noted several areas at Varney Playground and Freeman Lake - a bar is needed on the backstop, nets should be replaced, poles in the tennis courts need to be straightened, the Southwell Field Road is in bad shape and needs a grader to go over it on a regular basis, he has heard that Bob Charpentier has paid \$650 from his own money to have a net put up at Southwell and Mr. Lynch will determine if this is so. Mr. Lynch said that we don't need a lot of money to take care of these items but we do need manpower. Mr. Blomgren said that we are not adequately funding what we have, and shouldn't take on any more assets without planning for maintenance.

Mr. Brem suggested that we form a committee - 2 Bos members, 1 capital improvement member and others to look at the future of the Town. Mr. Lynch said that the Blueprint 2000 Committee will do this type of thing if we start it up again, and Mr. Brem asked to be the BOS rep.

Mr. Lynch updated the Board on the physical moves that are taking place within the building, and the Board asked to have Room 203 with a file cabinet that locks for their use.

At 10:30 pm motion by Mr., DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the Work Session.

For the Board of Selectmen, by

Jed E. Carr

92 JUL 21 AM 9:42

Regular meeting of the Board of Selectmen held June 29, 1992. Members present were: Mr. Blomgren, Mr. Brem, Mr. Lawlor, Mr. DeFreitas and Chairman Logan. Town Manager Bernard Lynch was also present.

During the Open Session Mr. Cunningham from Berkshire Drive addressed the Board regarding the Stoney Brook Fish and Game Club and the meetings with the residents in his neighborhood. He was concerned because only the abutters to the property were involved in the negotiations with the club. Mr. Lynch reported that he and the Town Manager from Westford met with the neighbors and representatives from the club and came up with a plan that was agreeable to everyone involved. Mr. Cunningham was concerned because he thinks 5000 rounds is too much, is worried about his property value and wants to know why the Planning Board accepted this plan. Mr. Logan will address this issue with Mr. Cunningham at a future time. Selectman DeFreitas requested a copy of the written agreement between the two parties. Mr. Lynch will provide the Board with a copy.

Mr. Paul Villare, Vice Chairman of the Veteran's Memorial Committee, appeared before the open session to thank everyone involved in preparing for the new monument. He publicly thanked Sue Ellen Woodcock for the coverage the Newswkweekly has given to the project. Mr. Villare reminded everyone the dedication would be July 3, at 12:30 p.m.

Chairman Logan called the meeting to order at 7:30 p.m.

Mr. Logan presented Certificates of Appreciation to Karen Flynn and James McBride for time served on the Conservation Commission. Mr. McBride told the Board it had been a great honor to serve the Town and that he will be willing to help out any time.

Bob Murray gave an update on the 4th of July activities. He reported that there would be 6 or 7 musical units, several floats, cars, clowns, etc. Selectman DeFreitas offered the Boards appreciation to Bob and the Elks for the excellent job they do each year.

Chairman Logan asked for a motion to approve the minutes of the June 15 meeting. Selectman Brem said there should be a correction on the McLarney Dog Hearing vote. Due to the fact the he was not at the meeting the vote should read 3 - 1 not 4 - 1. With this correction the motion passed unanimously.

Transfer of Class II Auto Dealer. John Cormick addressed the Board about the transfer of the Class II Auto Dealers license at 166 Middlesex Street to his name from Thomas Megdanis. Selectman Blomgren asked if there would be any physical changes in the structure of the business. Mr. Cormick said the only change would be to the sign out front. Mr. George Gagnon owner of the property was present and in agreement with the transfer. Dick DeFreitas made a motion to granted the license contingent upon the payment of taxes and that there would be no repairs or service to the motor vehicles on the property and no storage of gasoline or waste oil. Jeff seconded the motion adding the restriction of 60 4-wheel vehicles. Unanimous.

Country Club Too. Mr. Logan turned the chair over to Vice Chairman DeFreitas

due to a conflict of interest. Atty. Dennis McHugh represented the owner, David Cunha, on the application for a beer and wine license. Atty. McHugh explained that the application he was submitting tonight differs from the request of June 1 because the establishment is applying as a restaurant not a private club. Mr. McHugh said everything else about the license is the same as presented previously in regard to the premises, etc. Mr. DeFreitas asked if any one was present to speak for or against the license. No one spoke for or against. Selectmen Lawlor made a motion to close the Public Hearing seconded by Mr. Brem. Unanimous. Mr. Lawlor asked who the license would be pledged to. Mr. Cunha replied Worcester County Institute of Savings. Mr. Lawlor asked about the control of alcohol on the premises. Atty. McHugh and Mr. Cunha explained that there will be a separate entrance for Country Club U.S.A. and Country Club II. There will be control at all times with a manager continually on duty, identification requested before entering, signs posted and different glasses used in each section for marking purposes. Bernard Lynch reported that the Criminal History report had still not come in on Mr. Cunha. Mr. Lawlor asked the Town Manager for a recommendation. Mr. Lynch said the Board should wait for the Criminal History report. Mr. Lawlor made a motion to re-open the Public Hearing of next meeting if history record is received, seconded by Mr. Brem. Unanimous.

8 Littleton Road - Application for Underground Storage. Atty. Jack Carragher addressed the Board requesting a reinstatement of an existing license for Underground Storage at 8 Littleton Road. Mr. Carragher explained that the applicants are Raymond and Lionel Lincoln who will turn it over to Concord Oil. He further explained there are 3 eight thousand gallon (environmentally sound) tanks, all abutters have been notified, the Fire Department has approved the plan, D.E.P. is satisfied with the plan, all signs conform to local bylaws, and Mr. Day of the Board of Health is satisfied with the plan for the containment system. Selectmen Lawlor asked about hazardous waste on the site. Atty. Carragher said there is a small amount of hazardous waste that will be removed by a licensed hazardous waste remover. Mr. Logan opened the Public Hearing. Brian Shannon from the Chelmsford Center Citgo asked if the station would eventually become a convenience store. Atty. Carragher responded that the station would be a self service and full service gas station with snacks but would not be seeking a Common Victualers license. Selectmen DeFreitas made a motion to approve the application contingent upon the removal of the hazardous waste and a successful transaction of the real estate to Concord Oil, with the license issued to Concord Oil. Selectman Brem second. Unanimous.

Sexual Harassment - Kathy Redican, Chairman of the Sexual Harassment Committee, spoke to the Board about the changes in the committee report previous given to the board. She stated that the Personnel Board had recommendations she has incorporated in the report and welcomed comments from the Board. Selectmen DeFreitas asked Kathy if she had suggestions for the two people to serve on the Committee as called for in the report. Kathy will look into it. Mr. Brem submitted some suggestions for the committee to review. Mr. Lynch said that the Personnel Board is meeting on July 10th and will review the report at that time.

Supt. Richard Moser appeared before the Board to provide an update on the Aids Task Force. Mr. Moser reported that the committee consists of students, parents, school personnel, clergymen and physicians. The committee will deal

with policy, curriculum and education so they can get a handle on all risk related to Aids including suicide. He said there is some urgency to the issue due to increasing exposure. The committee will provide a needs assessment to the School Committee. Selectman DeFreitas asked how the Board can help. Mr. Moser said they can attend meetings and schedule a time in October so he can come back to the Board to address any needs the committee may have at that time.

Supt. Moser also reported that he wanted to bring to the Board's attention the Mass. Emergency Planning Committee's plans for evacuating Seabrook and how it effects Chelmsford. Mr. Moser said the plan calls for 17 area town to participate and cooperate in the event of an emergency. He stated that he is working with Walter Hedlund of our Civil Defense and open hearings will be held in July and August if the Board would like to attend.

Work Session - Selectmen Logan reported that the work session was very successful. The Board made long range plans and set goals. He said there have been 4 new members in 1 1/2 years. He said the town changed since the Charter and the Board will make changes also. Selectmen DeFreitas said the work session was very positive and productive and they are trying to pull all Boards together. Selectman Brem reported the success of the work session and wanted to encourage people to attend the Open Session before the regular Board of Selectman meeting and to use the Selectline. He reported about the Citizens Forum that will be held in the fall at the Senior Center.

Town Manager Reports

Update Varney Playground - Mr. Lynch said they are gearing up for the summer by raking the beach, adding sand, repairing the back stop and preparing the playground. Selectman Blomgren said he is pleased with the work that has been done but added the restrooms still need work. Mr. Lynch reported that the D.P. W. and Recreation Commission will work together to make an assessment of the playing fields.

The Town Manager reported that both Baptist Pond and Freeman Lake are safe for swimming and that they would be tested on a weekly basis in July and August. Mr. Lynch stated that the weeds are a major problem at Freeman Lake. The Board of Health and D.P.W. are working on this problem and may bring in the Conservation Commission to help out. He also reported that there have been no reports from Baptist Pond regarding the level of the water.

North Town Hall - Mr. Lynch said he would like to go forward with the bid process as previously discussed by the board with a minimum amount placed at \$75,000. Jeff would like to have incorporated in the bid a pre-bid conference for the bidders so they may view the building at the same time. Mr. Lawlor made the motion to sell the property at \$75,000., seconded by Mr. Brem. The vote was 4 - 1, Mr. DeFreitas against as he would like to see the minimum bid at a higher price.

Middlesex Sales - The Town Manager reported that all but 1 trailer truck has been removed. He will continue to follow-up.

Route 3 Expansion - Mr. Lynch reported that he attended a meeting on Route 3 Update Expansion with some on the Board members. He said the work would not

be complete until the year 2000.

Recycled Paper - Selectman Lawlor asked the Town Manager about the follow-up on his request for the percentage of recycled paper used in town. Mr. Lynch reported that only 10% of the paper purchased is recycled due to the fact the pricing is so much higher. Mr. Lawlor requested that the Town Manager keep a "sharp eye" on recycled products so the town can purchase them when it is financially feasible.

Princeton Street Bridge - Mr. Lynch reported that he spoke to Rep. Cleven about the status of the bridge and she said the project would go out to design in 1993. The town will continue to maintain the bridge until the project is complete.

Annual Appointments - Town Manager Lynch read all the appointments for the various committees. Mr. DeFreitas made a motion to approve the appointments, seconded by Mr. Lawlor, unanimous.

Selectman Blomgren made a motion to send a letter of congratulation and thanks to Steve Cooper, News Director of Channel 6, as he is moving to a Manchester station. Mr. Blomgren also asked that Chief McKeon be asked to the next BOS meeting so that he can interpret the recent newspaper articles on increased crime in town.

Selectmen Logan presented an application from Sandra Hone for a Roadside Vendors License to sell hot dogs on the Common from May 30 to October 15, 1992. Mr. Brem asked if this was the same person selling the hot dogs last year. Mr. Lynch said it was and recommended the Board approve the application. Mr. DeFreitas moved to grant the application, second Mr. Lawlor. Unanimous.

Thornton Lane - Mr. Lynch said these parcels are for sale and the town has the right of first refusal. Mr. Lynch recommended the Board waive the right of first refusal as there is no identified need, the property has no frontage and only has value to the abutters. Mr. DeFreitas made a motion to waive the right of first refusal, second Mr. Lawlor, 4 for 1 abstention. (Selectman Brem)

Annual Work Plan - Mr. Lynch reported that he is revising the work plan, as discussed by the Board. The plan will serve as a guide to the Board and future boards. The plan will include, reviews for fiscal forecasts, review of Town Meeting articles, tax classification hearings, meetings with Department Heads and Capital Planning with goal setting in mind. The plan will also include review of licenses, MMA legislation, manager evaluation and annual appointments. Mr. DeFreitas made a motion to accept the plan in principal. Unanimous.

Mission Statement - Mr. Lynch provided the Board with a Mission Statement that provides understanding to the Board as well as the public what the Board wants to attain.

Lowell Sportsman Club - Mr. Lynch said the club requests permission for a waiver to extend their regular hours for shooting events on July 12. Selectman Brem made a motion to grant the extension, Mr. Lawlor second. Unanimous.

Code of Responsibility - Mr. Lynch provided the Board with a Code of Responsibility report. Mr. Brem presented a draft policy for the Boards consideration. Chairman Logan said the Board will review these policies and discuss them at the next meeting.

Contract Awards - Town Manager Bernie Lynch reported that Lawrence General was the low bidder for Occupational Health Services therefore he would be awarding them the bid for \$40.00 per hour effective 7/1/92. Selectman DeFreitas made a motion to award the bid, seconded by Selectman Lawlor, unanimous.

Land Tech Consultants, Inc. was the low bidder at \$26,180. for sidewalk improvements. Mr. DeFreitas made a motion to accept, second by Selectman Lawlor, 4 in favor, 1 abstention (J.Brem).

Resuscitators - Mr. Lynch reported the low bidder was Matrix at \$11,800.44. Mr. DeFreitas moved to accept, second Mr. Lawlor, unanimous.

Highway Materials - Town Manager Lynch read the list of low bidder for highway materials. Mr. DeFreitas moved to accept the manager's recommendations, Mr. Lawlor second, 4 in favor 1, absention (Mr. Logan).

Insurance - Mr. Lynch asked the Boards approval to award the General Liability Package to Deland, Gibson, Inc. for \$125,000. Selectman DeFreitas made a motion accept the recommendation of the Town Manager, Mr. Lawlor second, unanimous.

New Business - Chairman Logan said the Blueprint 2000 committee would be reinstituted. They will look towards the future and where the town should be in the year 2000.

At 10:25 p.m. motion by Mr. DeFreitas, seconded by Mr. Brem, unanimous to adjourn.

For the Board of Selectmen, by

50
22 AUG 18 PM 3:03

Regular meeting of the Board of Selectmen held Monday, July 20, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter W. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was away on vacation.

During the Open Session Jeffrey Stallard, member of the Veterans' Memorial Park Committee, was present and thanked the Board and Town Manager for participating in the dedication ceremony. They are working to add to the names on the walls and will do two more walls, with 120 names each. There is a \$60.00 engraving fee, and residents wishing to have names of their families engraved should contact Jeff or Mike Kinney.

Mr. Lawlor asked about arrangements for maintaining the park and Jeff said it is understood that the Committee will do this. Mr. Lawlor asked if they need help from Adopt-A-Park or the DPW, and Jeff said that they have a volunteer to cut the grass, and the landscapers will maintain the flowers they have planted. The Committee feels the park should be self-sustaining.

At 7:10 p.m. Mr. Logan adjourned the meeting to 7:25 p.m.

The Chairman called the meeting to order at 7:25 p.m., noting that all members were present and the Town Manager was on vacation.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the Work and Executive Sessions of June 18, 1992.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of June 29, 1992.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the minutes of the Executive Session of July 13, 1992. Vote was 4 in favor, 1 abstention (Mr. DeFreitas because he was not present).

John Tucker of the Chelmsford Lodge of Elks was present to request the Board to approve the Elks running a "Super Bingo" game 4 or 5 times a year. Mr. Tucker said that due to the economy the sale of raffle tickets for the 4th of July Parade is down and the Elks want to run a second Bingo game. Only a few towns have been approved by the State to do this, and they will run 4 or 5 games a year, probably on Sundays. Proceeds will cover the cost of the parade and scholarships. Super Bingo can pay off larger amounts and the Police Dept. will provide police detail. The Elks have been running Bingo games in Town for at least 27 years.

Mr. DeFreitas, stating that he is a member of the Elks, moved to approve the license, seconded by Mr. Lawlor. Vote was 4 in favor, 1 abstention (Mr. Blomgren is a member of the Elks and abstaining). Mr. Logan said he is also an Elk and supports this request.

Mr. Tucker told the Board that Fitchburg and Weymouth have Super Bingos and it does not appear to cut attendance at regular games. Their first game is scheduled for August 30th, and there is no competition on Sunday nights.

Under contract award approvals, Mr. Logan read the bids for the traffic signal at Hunt and Littleton Roads, noting that Comiskey Electric, low bidder, is recommended by DPW Director Jim Pearson. As Chairman of the Traffic and Safety Committee Mr. Logan said that these will be fully controlled lights, and that this intersection has been the site of many accidents and the light is badly needed. The Town funded the cost of the signal at Town Meeting four years ago and it should be operational by October or November.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the awarding of the bid to the low bidder Comiskey Electric, as recommended by Mr. Pearson.

At 7:35 pm a Public Hearing was held on the application of Angela Sella for a Common Victualer license to be exercised on the premises at 61 Central Square. All taxes are paid and the property is zoned CD, which allows for takeout but no fast foods. Ms. Sella said she wants to sell home-made pasta and sandwiches for takeout. There will be no tables. She has had restaurants in France and Brazil, but not in this country. When Chairman Logan asked, George Kalos spoke in favor of this license and no one present spoke in opposition. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to grant a Common Victualer license to Angela Sella, 61 Central Square. Mr. Blomgren questioned the zoning and definition of fast food. Vote on the motion was 5 in favor, 0 opposed.

The Board then met with representatives of Frequency Sources, Maple Road. Attorney Greg Haladena, from Geary and Haladena, introduced David Sweet, Vice President of Health and Safety Operations for Frequency Sources.

Mr. Sweet told the Board that they have proceeded more slowly than they had hoped since the site is in the 21E process due to a petition from Chelmsford resident. This process comes under a different state agency than the one they had originally been dealing with.

Mr. Sweet said that they want to go back to the Byam School site and take more samples. The leachate containing TCE is not moving towards the school but on to the Bartelson property. He said that they want to put in a line of recovery wells across the front of Frequency Sources and a line of wells on the Bartelson property. They want to pump the higher levels first but need to pump the lower levels on the Bartelson property. They are putting in a treatment system but need permits from the State. They believe that the chemical won't go up hill and the school wells have showed nothing but they still want to test.

Mr. Lawlor asked where did we leave off last time with Frequency Sources, and Mr. Logan asked if there was an agreed upon course of action.

Mr. Sweet told the Board that when they were last here they were beginning to search off site and now have the contamination delineated. They no longer use this chemical and are not contributing to more pollution. The breakdown of the chemical depends on conditions and they want to treat it rather than let it go naturally. They are going through a waiver process with the DEP and don't have the approved mitigation process yet. They don't want to stand in the way of treatment and have no more industrial waste water. They have sampled the abutting properties in all directions. Mr. Sweet re-stated that Frequency Sources wants to get this cleanup done and funding is not a factor.

Mr. Brem asked how much TCE was spilled at the site, and Mr. Sweet said none, that it was a product of the rinsing materials. When asked, he said that the TCE lays on top of the bedrock at between 30-40 feet and 60-80 feet. It is closer to the surface on the Bartelson property. He added that the soil is pretty sandy in this area which makes it worse for the migration of the contaminated material, which is 1 - 2 feet a year. Mr. Brem asked why the cleanup has taken so long and Mr. Sweet told him that the concerns of the residents have slowed things up with the State. The Board could express to the state that we want the cleanup completed asap, that it is a matter of some importance.

It was agreed that Frequency Sources would have samples taken from the wells prior to August 17, and will have a conceptual plan of the cleanup by that date, when they will again appear before the Board.

Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to draft a letter to the State for members review at the August 17th meeting indicating that the Board would appreciate prompt action by the appropriate state agencies to get the treatment plant up and running and ask for a report from the Board of Health at the August 17th meeting.

Under Other Business the Board voted on the Beer and Wine license for Country Club Too. Chairman Logan stepped down and left the Room due to a possible conflict of interest. Attorney Dennis McHugh said they also want to apply for 12 more pool tables to be licensed. Owner David Cunha told the Board about the successful tournament they held last weekend and said the room is closed now until the next special tournament in August.

Motion by Mr. Brem to grant the Beer and Wine license contingent upon a favorable report from the CHSB and that Mr. Cunha come before the Board in December to give an update on the operations. and also to approve the Common Victualer's license and the license for the 12 additional tables.

No one present spoke in favor of or opposition to these license applications, and Mr. DeFreitas moved to close the public hearing, seconded by Mr. Brem. Vote was 3 in favor, 1 opposed (Mr. Lawlor). Mr. Lawlor said that he is not in favor of closing the hearing because he won't vote tonight because we don't have the CHSB report and it would leave it up to the Town Manager to decide whether or not the report is favorable. His idea of discussing it in a regular session is that the Board can look at the report publicly and the public can comment on it. Mr. Brem said it is not the intent of the Board to keep on delaying this vote and Mr. Blomgren said he thinks the Board should go forward and vote it contingent upon the CHSB report being favorable.

Motion by Mr. Brem, seconded by Mr. Lawlor for discussion, to grant approval of the Beer and Wine license, Common Victualer license and license for 12 additional pool tables contingent upon the applicant coming in in December to review the license and contingent upon receiving a favorable report from the CHSB in the judgment of the Town Manager; each Board member to sign off on the CHSB report or waive the right by August 19th. Vote was 3 in favor, 1 opposed (Mr. Lawlor).

Mr. Brem left the meeting due to another commitment.

Under Board Member Reports, Mr. DeFreitas stated that he has received many phone calls in the last couple of weeks all regarding the beaver problem, and the Chelmsford Water District has notified the Board that the beavers are causing problems with the water supply. He thinks we need to meet with other Boards on this problem.

Mr. Lawlor reminded members that they are meeting with the North Chelmsford Water Commissioners on August 3rd, that the meeting will be held at the Senior Center and televised, and he asked residents to attend their Water District meetings.

Under Policies previously submitted, the policy on the role of the BOS and Town Manager will be tabled until the August 17th meeting at the request of Selectman Brem and Town Manager Lynch.

Under Appointments, Mr. Logan read the list as presented by the Town Manager. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to support the appointments made by the Town Manager. Vote was 4 in favor.

Under New Business, Mr. Blomgren said that the Water Department wants us to check with the appropriate state agency as to what options are available re the beaver problem. Motion by Mr. Blomgren, seconded by Mr. Lawlor, to send a copy of the letter received from the Center Water District to the North and East Districts asking if they have the same problems and to

ask the Board of Health and Conservation Commission if they have any suggestions for a Town Meeting By-law. Vote was 4 in favor. Mr. Lawlor added that we want to see the districts work together and Mr. DeFreitas said that when the by-law against trapping was passed beavers weren't the problem that they are now.

Mr. Blomgren said that this is the first meeting that we have had since the 3rd of July dedication of the Veterans' Memorial Park and he has the greatest admiration for the persons who put this together. He wants to send one more note to Mike Kinney and the Committee thanking them from the Town and stating our gratitude. Chairman Logan said he will draft this letter.

At 9:05 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn. Vote was 4 in favor.

For the Board of Selectmen, by

Jude E. Carter

92 SEP 22 PM 12:32

Regular meeting of the Board of Selectmen held Monday, August 17, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Rene LaRouche, 20 Dunshire Drive, addressed the Board stating his concerns about the way he was treated at the last Conservation Commission meeting. He told the Board that the Chairman David McLachlan would not let him discuss the subject of beavers, and said he was stating the number of cases of giardia in Town when the Chairman stopped him and told him to leave if he tried to speak again. He continued to speak and was told to leave the room. He felt that he was treated very discourteously.

Mr. Logan said that the Board tries not to talk about anyone. Mr. DeFreitas said there is no reason for any resident to be mistreated by any member on any board and reminded the Board of their Pro Service policy. Board members encouraged Mr. LaRouche to attend the next Conservation meeting on Wednesday. Mr. Logan said he will ask the Town Manager to look into the situation.

Tom Moran, 19 Dennison Road, spoke to the Board and asked them to look into formulating a long-range plan for ambulance service, and to look at the best service provider and the metrics and service being provided by out of town services. He feels we need to close the gap on service. He asked to have a committee formed to see if the present provider is the best, and mentioned that the 1987/88 Committee is still around. He suggested that the new Committee be made up of persons of an EMT type, police and fire employees, Finance Committee background, and a public service management type person. Mr. DeFreitas commented that the proposal has some merit, and Mr. Lawlor asked why are we looking into this, what are the problems with our present service. Mr. Moran said that having the service out of town is a problem, and also the recent merger of the ambulance services. We need to develop a set of metrics to determine the measure of service providers. Mr. Blomgren asked if he found any numbers to indicate that there is a fault with past practice and added that we need to establish a best in class provider.

Mr. Lynch told the Board that Frontline and Care have merged and he met with them today to discuss the transition as a result of the merger. He said that he has been interested in locating an ambulance in Town and that as of September 1 there will be an ambulance stationed in Town during the day at the West Fire Station, with a backup from the Lowell headquarters. This will be on a four month trial service until the end of December. The service we have now is good but locating a private service in Town is better. He has decided that a public ambulance is not the way to go.

Chairman Logan called the meeting to order at 7:30 p.m.

Motion by Mr. DeFreitas, seconded by Mr. Brem, to approve the minutes of the July 20th meeting, with Mr. Blomgren asking that a couple of minor errors be corrected. Vote was unan. to approve the minutes with corrections.

John Harrington, package store owner at 10 Summer Street, addressed the Board on the subject of the advertising and selling of non-alcoholic beer. He said that the issue has come to the attention of package store owners statewide. They are concerned with non-alcoholic beers being sold in supermarkets and convenience stores where they will be tapping into a new market - our kids.

Mr. Harrington said he is asking the Board as the licensing authority to do what the City of Quincy has done - not allow this non-alcoholic beer to be sold to anyone under 21 and to limit where it is sold. They are not as concerned about restaurants and lounges as they check for ID's, and there is not enough alcohol, under .5%, in this product to have it come under the ABCC. He added that the beer companies are going after Coke and Pepsi by trying to get young people to acquire a taste for beer. Mr. Lawlor said he feels there could be legal problems in trying to control the sales of this product - that if licensed package stores are licensed to sell alcoholic beverages, and this product is not alcoholic then it is not under the control of the licensing authority. The Board discussed various means of trying to control the sale of the non-alcoholic beer, and Mr. Lynch said it is his concern that if we tell supermarkets and convenience stores to take something off their shelves it could be considered restricting free trade and he asked the Board to let him work with Town Counsel on this matter. Mr. Blomgren asked if we could have an article for the October Town Meeting and Mr. Lynch said he will have something by the September 8th meeting. It was noted that Quincy took action as the legislative body, not the licensing authority of the City.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to instruct the Town Manager to work with Town Counsel to find a way to control the sale of this product. Mr. Logan said the essence of the matter is that we don't encourage minors to acquire a taste for beer.

At 8:00 pm the Board met with Frequency Sources, represented by Attorney James Geary and David Sweet, Frequency Sources VP,. Mr. Geary handed out packages to the Board containing background information on the contamination matter and said he has put together a chronology from Jan. 1991 to the present. He said the primary jurisdiction is with the Board of Health and the Department of Environmental Protection(DEF). There is some migration of the TCE substance on Maple Road but no detection of contamination. A letter dated October 10, 1991 from DEF to Don

Berard showed a change in the case at the State level from the Water Pollution Control Section into the 21E Division. They have said it is a low priority and have told FS to request a waiver since the company considers it a high priority. He said the Board should consider maybe designating a technical liaison for this problem.

Mr. Sweet brought the Board up to date, stating that the DEP feels a waiver could be processed within 30 - 60 days. A system will be installed as a temporary measure but probably not until spring; FS will put in the system the minute they get the waiver. He explained the information in the packages that had been given to the Board, and showed a map with the monitoring wells, mostly on the school and Bartelson properties. The purpose of the wells is to put a boundary around the process. Mr. Logan said he has written a letter to the DEP for the Board's review and is appointing Selectman Brem as the Board's liaison. He asked Mr. Sweet what can we do to help and Mr. Sweet said they have to deal with the disposal of water from the system - it will either be put back into the ground or a surface water body; either way they will have to go before the Conservation Commission. There will be sampling either way.

Mr. Logan said he is asking both Mr. Brem and Mr. Lynch to serve as liaisons with FS to try to get the treatment facility in. Mr. Lynch commented that the Board of Health and Director Richard Day are pleased with what they're doing so far. Mr. Blomgren asked Mr. Brem to have a risk assessment performed and asked if the pump and treat system is a proven technology and Mr. Sweet said Yes, as much as any.

Martha Siegal was present from St. Vartanantz Cultural Pavillion requesting a 1-day All Alcoholic license for Saturday for the wedding reception of a parishoner whose plans had changed at the last minute. Mr. Logan turned the Chair over to Mr. DeFreitas due to a possible conflict of interest. Mr. Brem said that this would be their 9th license in 12 months and BOS policy is not more than 5 in any 12 month period. Mr. Lynch stated that there is a concern that organizations could work around the zoning and liquor laws by utilizing 1-day licenses and it has been a concern in the past with neighborhoods that churches not be used as function halls. The Board noted that we provide licenses to churches for their own functions, and Mr. Blomgren asked if the church is still in litigation with the Board of Appeals. Mr. Lynch said it is still pending and Mr. Blomgren said that in November, 1991 the Board of Appeals requested that we grant no more 1-day licenses to St. Vartanantz.

Ms. Siegel said that the church has a presentation to make on Sept. 8. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, to grant them the requested license on Aug. 22nd from 2 - 7 pm. The Board discussed the pros and cons of making policies and not following them and granting 1-day licenses in emergencies. Vote on granting the license was 3 in favor, 1 opposed (Mr. Brem, Mr. Logan not voting). Mr. Blomgren asked the Town Manager to get the latest information from the Board of Appeals and have Town Counsel present at the next meeting. Mr. Logan resumed the chairmanship.

Burger King had applied for an Automatic Amusement Device license but was not present. Mr. Blomgren said that they should be aware of our regulations and be prepared to state how they would handle youths under 17 during school hours, etc.

Town Accountant Bernard Meyler was present to update the Board on his department. He stated that FY91 was a fiasco, since they had 3 different accountants during that year. Debits and credits finally equalled and they have eliminated the problems with the computer and the company Information Opportunities. They are now looking into other systems. He feels the department is now moving in the right direction, they have caught up on their projects and are no longer just maintaining but looking for improvements and are right up to date. The Town Manager commented that the FY92 closeout seems to be in order, and certainly different from last year.

Mr. Meyler said that they are in an analysis mode, and doing more detailed reports on departments so they can't overspend. Mr. Lynch said his information has been useful, and that revenues are not as much as had been anticipated. Mr. Lynch said that in FY93 we will have a balanced budget, and he sees no need for budget cuts, although there is no surplus cash for new services. Finance Director Fred Mansfield told the Board that we are trying to eliminate a lot of duplication and manual efforts, especially with accounts receivable, and we hope to get payroll and tax collections done in house. Mr. Meyler said that we want to get the new computer system operating by the end of the calendar year and have drops in key offices to tie into the network. Mr. Lynch told the Board that the DP Coordinator position will be filled in September and the whole computerization process should be completed in 2 or 3 years.

They then went over the FY91 Management Letter, which had been put together by independent auditors, which is standard practice. Mr. Lynch said that the letter, which is used as a management tool, shows areas of weakness. The Board will read the letter at home and then ask questions. Mr. Lynch added that we went through a transition at the end of the year and now everyone is pleased with the teamwork approach.

Motion by Mr. Blomgren, seconded by Mr. Brem, unan., to bring Brown & Barrett to a Work Session with the Town Accountant and Finance Director and also the Supt. of Schools and the School Business Manager.

Police Chief Raymond McKeon was present to give the Board an analysis of the statistics on crime reports that has been reported in the papers. Chief McKeon said that the term crime rate is a misnomer, that there is no crime rate per se, but a uniform crime report comparison, comparing the 1990 statistics with those from 1991. He added that the police have no real impact over the crime rate, that it is based on the total number

of crimes reported to the police, on the seven major crimes. He said that the Chelmsford rate increased by 5.3% in 1991, which is better than most comparable communities. The violence rate increased by 35.8%, which is mostly domestic violence, violations of restraining orders, etc. and most assaults are basically drug related problems.

The department has very little control over the crimes reported but has control over how they respond. The Town's crime clearance rates are very good and the Chief feels that crime is pretty well under control, although there is some increase in robberies - pocketbook snatchings and household invasions. The Chief said that this is a pivotal year, financially, that we are starting to increase personnel and with a higher staff level the better our clearing rates should be. He added that we definitely need a new station, that E-911 is the best public safety bill ever enacted, since it will cover the whole Town, and our policy on high speed chases is very tight and closely monitored.

Under Town Manager Reports Mr. Lynch said that the Police Chief has received a \$10,000 grant for the Town to address speeding, pedestrian crossings and child restraint belts.

He told the Board that re Town line signs, we had ordered Mass. DPW signs to be placed asap two years ago. He further reported that the State has approved signs on Rte. 495 for hotels and restaurants and they are very expensive.

Motion by Mr. Blomgren, seconded by Mr. Brem, unan. to ask the Town Manager to draft a letter to the Governor saying that the State is not improving the economy by charging a monthly rent for these highway signs as well as a high installation cost, with copies to our state rep. and senator and the Secretary of Economic Affairs.

Mr. Lynch told the Board that on August 25th at 7:30 pm the School Department is meeting with the Emergency Management Agency and the Board is invited.

Under Board Member Reports, Mr. DeFreitas said he commends Mr. Logan and the EDP for getting Waltham Technologies and Sun Micro Systems to locate in Chelmsford. He added that ESP will hold a series of televised seminars on Cable 43 in September on starting up a small business.

Mr. Brem reported that we have received a letter from the Hart Pond Improvement Association and asked Mr. Lynch for a report on that situation at the Sept. 8th meeting. He added that the Board appreciates the calls from residents that have been coming in on the Selectline.

Mr. Brem noted that the Conservation Commission is meeting on August 19th on the beaver issue, and Mr. Lynch said that he has met with the Board of Health this evening to discuss the water quality issue and they don't think it's reached emergency proportions yet. He has asked the Conservation Commission to

proceed with long term beaver control measures.

Mr. Blomgren reported that Tom Moran has asked for the formation of an Ambulance Study Committee and moved to ask the Town Manager to work towards the formation of that committee, to include Walter Hedlund, a FinCom member, reps from Police, Fire, citizens and a Project Manager. Motion seconded by Mr. DeFreitas, unan.

Mr. Blomgren noted that we have received a petition for streetlights on Shedd Lane, and Mr. Lynch said that many streetlight requests have been put on the back burner for a while, but we are now going to buy, not lease, our lights. We will be converting a number of older lights, as well as all new lights, to this plan within 6 months.

Mr. Blomgren asked about the use of HUD money for the restoration of Varney Playground, could we use some to do the restrooms. Mr. Lynch told him that DPW Director Pearson is getting prices to restore the restrooms and it will be done before next June.

Mr. Blomgren asked to have the Boy Scouts in to discuss the conditions at the East School and Mr. Lynch said he will have the Building Inspector look at it.

Mr. Blomgren asked that Mr. Lynch ask for annual reports from the Chairmen of appointed committees as to what they have done over the past year and what their goals are.

Mr. Logan reported that the Finance Committee Chairman has asked the Board and the School Committee to meet with them on September 2nd, along with the Town Manager and Supt. of Schools.

Mr. Logan said that September 18 is National POW Day and he will draft a Proclamation for the Board to sign.

Mr. Logan reported that the Board has met with the North and Center Water Districts and although we have no jurisdiction over them we are trying to find out their policies and procedures and will meet with them on a yearly basis. The Board will meet with the East District on September 15th and report back on any consolidation plans after that time.

The Chairman said that the Board welcomes Sun Microsystems and Waltham Technologies, both recently moved into Town and occupying vacant space.

Under Policies Previously Submitted motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to adopt the Role of the BOS and the Town Manager policy, in 4 parts.

Chairman Logan made the following Appointments: Northern Middlesex Council of Governments(NMCOG) - William R. Logan, BOS, Bernard F. Lynch, BOS Alternate; Middlesex County Selectmen's Association - Jeffrey A. Brem; Lowell Regional Transit Authority(LRTA) - Roger A. Blomgren; Chelmsford Alcohol and Drug

Awareness Committee(CADAC) - Peter V. Lawlor; Economic Development Partnership(EDP) - Richard E. DeFreitas. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to re-affirm these appointments. The Town Manager will work up a new compensation package to be presented at the Sept. 8 meeting for Town Counsel James Harrington, in the second year of a 3-year contract.

Under New Business, Mr. DeFreitas said that a citizen has come in stating that the Chairman of the Conservation Commission was rude and wouldn't listen to him.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to have the Town Manager send a memo to the Chairman of all Boards, Commissions and Departments asking them to please follow the Board's policy on Pro Service Attitude and to make sure that all their members/employees are aware of the policy.

Mr. Blomgren submitted an article for the October, 1992 Annual Town Meeting, to amend Art. 16 to make it more positive.

Under Other Business on September 8 there will be a vote on warrant articles.

The Town Manager was asked to look into the Masonic Temple petition to purchase the North Town Hall for \$1.00. Mr. Lynch said that under Chapter 30B, we have to go out to bid to sell a public building and can only lease a public building for 3 years.

At 10:55 p.m. motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to adjourn.

For the Board of Selectmen, by

Richard E. Cantor



Regular meeting of the Board of Selectmen held Tuesday, September 8, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Eric Hanson, 3 Boardwalk and President of D. J. Reardon Company addressed the Board, saying he had read in the press that the Board was considering putting a ban on the sale of non-malt beverages. Mr. Logan told him that we have requested Town Counsel's opinion, which he will give later tonight. Mr. Hanson said he wonders how the BOS could control the sale when the ABCC and New Hampshire State Liquor Commission have no control over the sale. He added that no wholesalers have addressed the issue yet but he doesn't see how the City of Quincy has prohibited it. Mr. Logan then read the opinion from Attorney Harrington, which stated that the Town has the right to regulate beverages with less than .5% alcohol, which is not controlled by Chapter 138 or the ABCC. He said that the Board cannot act on this in Open Session. Mr. Lawlor summed up what John Harrington had said at the last meeting, that they are trying to discourage youths from drinking this near beer, to not encourage them to develop a taste for the real thing. Mr. Hanson commented that he knows that CHS students want the real thing, that is the affect of beer, not the taste that they are looking for and they know where to find it in other Towns and New Hampshire.

Mary Burns, 90 Livingston Avenue, Lowell was present on behalf of her father Bill Burns who runs the Banqueteer in Chelmsford. He is opposed to the Board granting any more one-day liquor licenses to St. Vartanantz Church, feeling it will start a precedent and will drive private function halls out of Town. Allowing 5 or 6 a year or occasionally is not a problem, and if limited to non-profit organizations, but not on a regular basis. Mr. Logan asked if they had lost business to St. Vartanantz and she said Yes, at least two groups from Town.

Gail Poulten, 16 Berkeley Drive, said that on behalf of her husband Sam she is inviting Board members to the Greater Lowell Democratic mini convention on Saturday, from 11 - 3 at NVTHS.

Chairman Logan called the meeting to order at 7:30 pm.

Cathy Frazer, Right of Way Manager for New England Telephone Company was present petitioning for 58 feet of conduit at 2 Elizabeth Drive. She told the Board that Sun Microsystems has received permission for the conduit and NET wishes to place their wires. No one present spoke in favor of or opposition to this petition. Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve the petition.

Mr. DeFreitas asked if she is aware of the 5 phone poles in East Chelmsford that are in the middle of roadways, and asked if the telephone company has been notified. Mr. Lynch said they are working on the problem. Ms. Frazer said she will check with the engineer and report back to Mr. Lynch by September 21st.

A Public Hearing was scheduled for John Bowles, Jake's Auto Body, 1 Oak Street, for a Class II Auto Dealer's license. Mr. Bowles was present and asked the Board for an extension, he didn't get the notices sent out by Certified Mail. The Board agreed, noting that the extension is being granted at the request of the applicant and that the time frame starts when he re-applies.

A Public Hearing was held on the application of Angeliki Kolgerakos, EVZON, Inc., 83 Parkhurst Road, for a Common Victualer Wine and Malt Beverages license. Mr. Logan turned the chair over to Vice Chairman DeFreitas due to his potential conflict of interest as General Manager of the Courthouse. Ms. Kalogerakos presented the return receipts of notice to the abutters and told the Board of her background, including many culinary classes and obtaining citizenship in 1974.

She said that EVZON is a family-run restaurant and that she, her husband and daughter all work there. They are open 7 days a week from 11 am - 10 pm, have been in operation for 4 months and are very busy. They have 50 seats and also do a take-out business, and would like to serve wine and beer to complement their meals. They will serve only to customers purchasing meals and will have a sign stating so. Ms. Kalogerakos said she has demonstrated her ability to run a restaurant family style, will have a hostess to serve the alcohol, and stated that several of her staff people have experience in serving alcohol.

Mr. DeFreitas asked for anyone who wished to speak in favor of the application. Beth and Marshall Arkin, 24 Sierra Drive, John Duggan, 2 Courthouse Lane, John and Lois Socarellis, Kneeland Drive, Westford, and George Kalos, 13 Green Valley Drive all spoke in favor, stating that it is a fine Greek restaurant and that wine and beer would complement the food. No one spoke in opposition. Mr. DeFreitas then closed the Public Hearing.

Mr. Lawlor asked Ms. Kalogerakos if she would stay with the hours requested on the application, display the sign she showed the Board, and take a TIPS class, if requested. She told Mr. Brem that she is bringing in the letter from the owner of the premises stating that he knows she is applying for this license. Mr. Blomgren suggested placing a mirror for the manager to view the entire seating area to see who is consuming the beverages. Mr. DeFreitas told her that he is very impressed with the number of persons speaking in her favor, and that the Board will vote on her application at the next meeting.

Attorney James Geary was present to explain to the Board the proposed Glen Brook Development that is before the Planning Board. He said that it is a 5.6 acre site on Littleton Road, south of the Lime Quarry and next to Woodcrest Condos, for 38 multi-family units. He introduced Jack McBride and Bob Wildes, who are also the owners of The Courtyard, a 158 unit complex on Littleton Road, and Chris Lorrain, LandTech Development, who explained the site plan.

Mr. Wildes said they will have 4 phases to the project, with app. 4 months for construction of each phase, app. 10 units per phase, and hope to be built within one year. Mr. Geary said that as for amenities, there will be no pools or tennis courts, but there is proximity to the Lime Quarry and their trails. Mr. Lawlor asked about a barrier between the units and Rte. 495 and was told that there is a natural terrain barrier, both visual and audial.

Mr. Geary said they were granted a permit for 32 units on this site in 1988 but they did not build at the time and the permit has expired. The Fire Chief has asked for a cul-de-sac, which will be added, and they will pay \$3300 per unit to Littleton Road Extension, Inc. for sewer tie-in and add berm and plantings to the westerly boundaries. Mr. Brem asked about impact to the Town with traffic, noise, etc. and Mr. Geary said no adverse impacts. Mr. Logan said he thought the sewer project at the Courtyard was a complete fiasco, both traffic and paving on Littleton Road, and Mr. Geary said that Littleton Road Ext. Inc. and Middlesex Paving will both accept responsibility.

Jack McBride said that as President of Littleton Road Ext. Inc. he takes responsibility, that it was a \$2.5 mil project, and that temporary paving was their biggest problem. They had many problems with contractors but have guaranteed that all claims for damages will be satisfied and asked that the Board not relate the Courtyard experience with this project.

Mr. Geary explained the difference between the Courtyard and Glen Brook. Sel. Brem said that as a past sitting member of the Sewer Commission he knew there were many problems with the sewer project and he commends all participants for coming together with a compromise to complete the project, and he is pleased with the final result. Mr. Lynch said that based on positive comments from the administrative departments he would recommend the Glen Brook project, and asked if the developer would like to set aside 3 - 4 units for affordable housing. Mr. McBride said that based on some definitions this whole development falls within moderate housing and since there are still some units left at the Courtyard he doesn't think the developer will be able to subsidize more.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to endorse the concept of this project. Vote was 4 in favor, 1 opposed (Mr. Logan). The Chair asked Mr. Lawlor to draft a letter in more detail to the Planning Board, stating the Board's concerns. Mr. Brem asked for a package of the revised plans.

Vickie Gradie, Manager of Burger King Restaurant, Drum Hill Road, was present to request an Automatic Amusement Device license. They want to rent a video machine from Manchester Music Co. and plan to put it in the entrance way off the parking lot. It is geared toward teenagers and is not that critical to their operation. Mr. DeFreitas asked why it is being put in and Ms. Gradie said that other restaurants in the area have put them in and she did not ask for this machine, Burger King did. Mr. Lynch said he has spoken with the Police Chief, who has approved the device, and said that his major concerns are that these devices may be a type of gambling machine. Motion by Mr. DeFreitas, seconded by Mr. Brem, to grant the license for a period of 4 months, to be reviewed before renewal, unan.

Mr. Blomgren said his concerns are that a machine of this type puts extra pressure on parents, and its proximity to the high school. Ms. Gradie said she would have an attendant assigned to monitor the machine during school hours and Mr. Logan said this could be a condition on the license. Mr. Lynch said we could add to the conditions that the machine not be an attractive nuisance. On or about Dec. 31st a BOS member or the Town Manager can ask to have Burger King called in, if warranted.

Peter D'Ambrusco, owner of Old Macdonald's Farm. was present to ask for an extension of their liquor license hours for New Year's Eve. Mr. Logan said he will chair this discussion but not vote on it due to a possible conflict of interest. Mr. DeFreitas left the meeting due to a possible conflict of interest.

Mr. D'Ambrusco said he would like to stay open until 2:00 am New Year's Eve because his competition all does, and that he can't maintain a successful business without operating that night. He is fighting to get the restaurant going and they have the cleanest kitchen in Town. He will do more as they make more money such as Family Breakfasts, etc. They want to basically have a Dinner Dance on New Year's Eve.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve Old Macdonald's Farm staying open until 2 am New Year's Eve. Vote was 3 in favor, 2 abstentions (Mr. Logan and Mr. DeFreitas).

The Board's position on non-alcoholic beer was discussed. Town Counsel's opinion was asked re limiting the age of sale to 21 or older and restricting where it can be sold. Town Counsel James Harrington was present and said that his opinion is that if they want to put restrictions on near beer that it be a by-law and that they not try to restrict where sales take place. He has talked with the ABCO counsel and the restricted selling has not been tested yet by them. Mr. Harrington said he can prepare an article for the October Town Meeting, and that if passed it would have to be approved by the Attorney General, which could take up to 90 days.

Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to have the Town Manager and Town Counsel draft an article to change the by-law to make it unlawful for a person under the age of 21 to purchase non alcoholic beer.

Mr. Lynch then went over the proposed warrant articles for the October Town Meeting with the Board:

1. Standard article - NVTHS has to comply with the state law
2. Mr. Blomgren's charter amendment
3. Transfer of Cemetery Dept. funds to fund settled contract
4. Early Retirement - there is a problem with the Middlesex County retirement system, and when it is ironed out we can do this article either now or in the spring. It would save money because new employees would be paid less and contribute more to the retirement system.
5. Trapping by-law - BOS had wanted to review the language, and maybe give more power to the Conservation Commission
6. Ask if the BOS should publish the warrant book - Town Counsel say the FinCom should do so - Mr. Lynch thinks it should be withdrawn
7. Mill Road re-zoning
8. Zoning by-law change - to empower Planning Board to issue variances
9. Change in Use Regulations - IA to CB
- No.'s 7, 9 and 10 - all by petition
11. Amend the Fire By-laws - outdoor burning and transportation of fuels
12. Petition - Pay \$1.00 to each elected and appointed official for health insurance purposes
13. Petition - Town to sell land around the Lake - Mr. Harrington told the Board that the purpose of the article is to clear up some titles. He will have a conflict of interest and Dennis McHugh will handle any legal opinions.
- No.'s 14 - 16 Sale of Town-owned land under CH 30B
17. Form Town Meeting Member Association
18. Re-open West Fire Station
19. Sale of near beer - regulating

Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to approve the placing of these articles on the October Town Meeting Warrant. Mr. Harrington said the Board must give him a letter stating what nights they intend to hold further meetings. It was decided that the site should be McCarthy Auditorium, or the gym, or the Senior Center.

Under Reports Mr. Logan asked if Bayberry Drive is an accepted street because the sign says For Residents Only and Mr Lynch said that it is a private drive.

Mr. Logan reported that the BOS, FinCom and School Committee will meet again on Nov. 9 to go over budgets. This continues to be a cooperative effort.

He asked Mr. Lynch for further beaver reports and Mr. Lynch said the State has been in, Bob Greenwood has shown them around Town and they are developing a plan for the Conservation Commission to adopt. We are routinely breaking several dams and there will be trapping in November.

Mr. Logan reported that the East Chelmsford Water District and the BOS met on Sept. 15, first at the Canal Street pumping station and then at their offices.

Mr. DeFreitas reported that ESP is doing a TV series in September. There will be a training session at the CATV studio for anyone interested.

Mr. Blomgren said he had asked for annual reports from committees and submitted a list to the Town Manager.

Mr. Blomgren gave members a list of suggested improvements to the Town Accountant's office for FY93 and asked BOS to review it and come back with recommendations.

Mr. Blomgren said that in a local newspaper column Off The Cuff the remarks about Tom Mills angered him and he doesn't feel the Board was acting irresponsibly with Frequesncy Sources.

Under Town Manager Reports, Mr. Lynch said that the North Town Hall sale has been advertised in the Lowell Sun, Beacon, Banker and Tradesman and Central Register. To date 4 copies of the RFP have been mailed out.

Re Hart Pond, the state report is now in draft form, and the DPW Director says it can be submitted to the state shortly. Mr. Pearson will schedule a public meeting for late September for all interested parties. On the lowering of the water level Mr. Pearson says we will lower it by 3 feet after Columbus Day, replace the flashboards and bring the water up to the appropriate level.

Mr. Lynch reported that the Summer Recreation Program had a record number of participants and the report from the Summer Director indicates a very successful year.

Mr. Lynch told the Board that he is trying to streamline the licensing process and has asked for a designee from each committee involved to have a meeting to try to set up a one stop licensing process. Mr. DeFreitas will be the BOS representative.

Under Other Business, the Board discussed the re-districting of the precincts. Mr. Lynch and Town Counsel are recommending that it go into effect for the Spring session of Town Meeting since all Town Meeting reps have to be re-elected. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the re-districting as approved by the State, effective date to coincide with Spring Town Meeting.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the issuance of Roadside Vendor's licenses to sell Christmas trees to Gregory Spring at 118 Chelmsford Street and 55 Graniteville Road. He has had these licenses for several years.

Under Policy, Mr. Lawlor said he is introducing a new policy on the issuance of one-day licenses that he and Mr. Blomgren have crafted. Mr. Logan said that the Board will discuss and vote on this at their September 21st meeting. Anyone wishing to speak on the subject should do so at Open Session.

Under Appointments, Mr. Lynch said that he has made the following appointments:

Recreation Commission - Jeffrey Stallard, 136 Tyngsboro Road, term to expire 6/30/93;

Veterans' Emergency Fund - reaffirm Dr. Stephen Belkakis;

Traffic and Safety Committee - Karen Wharton has resigned; appoint Steven Temple, PineRidge Road.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support these appointments.

Under BOS appointments, motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to appoint John Ketcham to the Board of Registrars for a 3-year term.

Mr. Blomgren said he has used the new bike path in Lexington, and wondered what happened to the Bruce Freeman Bike Trail. Mr. Lynch said it was never put out in the Department of Transportation bond issue. He said that we have an active railroad spur in the middle of our proposed trail, that NMCOG has done some work and he will contact Rep. Carol Clevon.

At 10:05 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, to go into Executive Session to discuss collective bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; Mr. Logan-Aye. Mr. Logan said they will not be coming back to Open Session.

For the Board of Selectmen, by

Julio E. Costa

92 OCT -5 PM 1:09

Regular meeting of the Board of Selectmen held Monday, September 21, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor and Roger A. Blomgren. Selectman Jeffrey A. Brem arrived later. Town Manager Bernard Lynch was also present.

During the Open Session Barbara Quinn, 14 Brian Road was present to discuss the article she had submitted by petition for the October Town Meeting. Ms. Quinn said she had submitted the article on July 31st and was told on September 17 that it was illegal and to call Town Counsel. The goal of the petition was to get health insurance for any appointed or elected official through the town group plan, although they would pay 100% of the premium, although according to Chapter 32B the Town pays 60% for employees and they pay 40%. She called the Attorney General's office and was told it would be an illegal article but it could be changed through legislation. Rep. Carol Clevon took the article to House Counsel and he will reword the petition article. If the article passes at Town Meeting we could submit a Home Rule petition to go through the legislature. Ms. Quinn wants to know when is the deadline for the warrant to go to the printer. Mr. Lynch told her that the deadline for petitions was August 3rd and the BOS has the warrant to vote on tonight. If the House Counsel writes it up and gets it to us we can change the wording, but this is up to the BOS to determine. Chairman Logan said we will be discussing the warrant later in the evening.

Henry Emmett, 13 Smokerise Drive, was present, telling the Board that he had read in the Globe that Mass. Bituminous Company will be supplying paving materials for all of Essex County. He is concerned about all the truck traffic going over Route 110, that you can already see truck tracks in the new pavement and asphalt is being spilled. He asked if it is of any benefit to the Town to have the increased volume at the plant on Rte. 110. Mr. DeFreitas said he is the spokesman for the Board on this issue and he has noticed the spillage of oil in the Center and on Route 110 and can see the top layer of hottopping disintegrating. Mr. Lynch said he has spoken to representatives of Mass. Bituminous and they have been very cooperative in the paving of Route 3. Any conditions to be followed would come under their Board of Appeals Special Permit. When they first opened on Oak Street the BOS set up a neighborhood committee to handle complaints, and the number of complaints is way down now. The benefit they provide to the Town is their property taxes and excise taxes on equipment. Mr. DeFreitas commented that we should petition the State to build a ramp onto Rte. 195 for them. Mr. Blomgren said that they have just acquired SanVel in Littleton and they could move all their assets out there.

Mr. Logan called the meeting to order at 7:30 p.m.

Mr. DeFreitas read a Proclamation proclaiming October 3, 1992 as Troop 212 Day in Chelmsford. Members of the troop and their leaders accepted the proclamation.

Mr. DeFreitas read a Proclamation proclaiming the week of September 21 - 27 as Chelmsford Women of Today Week.

Attorney James Geary spoke to the Board about the Fund Raiser that the Greater Lowell Alzheimers Association is holding on October 17 at the Senior Center. This is the 5th year for this annual spaghetti supper and the first time held in Chelmsford. Funds raised are used to fund educational seminars and support groups. He said all are welcome to attend the supper.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the minutes of the meeting of August 17, 1992.

A Public Hearing was held on the application of Anthony G. Ferreira, 33 Marshall Street, for a Class II Auto Dealer's license to be exercised on the premises known as Ferreira Wrecker Sales, 29 Oak Street. Mr. Ferreira said he is a distributor for NRC Industries, Canada and Reilly Tow Trucks, Tennessee, and has been selling tow trucks for ten years. He has been at the Oak Street location for 5 years and Mass. Gen. Laws have changed and now you can't use repair plates without a dealer license. He will not be changing anything that he is not doing now. Ninety percent of the trucks will be stored inside. No one present wished to speak in favor of or opposition to this application. Mr. DeFreitas asked if he needs this license to continue in business and Mr. Ferreira said yes. He added that the vehicles will be parked on Oak Street and none on Littleton Road. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the license as requested.

Attorney James Geary and Scott Dale from Altid were present to present a re-zoning article to the Board. The land is 3 acres on Billerica Road which is now zoned IA (Industrial) and they are asking to rezone it to CB (Roadside Commercial). They want to put in a small shopping mall similar to Concord Road, Chelmsford Street or Groton Road - a small mall, intended to serve that immediate neighborhood. They feel there is a need as property owners in that area. The parcel is on Billerica Road bounded by Alpha Road and Elliott Street. Mr. Geary said they go back to the Planning Board on this article Wednesday night.

Scott Dale showed the layout and handed out packages to Board members. It is a 2.8 acre site, with 200 foot frontage, and 2 parcels, one with Billerica Road frontage as a gas station and rear parcel as retail establishments and a drive through car wash. There will be three curb cuts necessary. The retail section is 15,000 sq. ft., with a mini anchor store and 4 - 5 smaller bays. They feel there are some services that tenants want - gas station, dry cleaners, bank, medical facilities, fast food, full restaurant - that are consistent with the ways that CB areas have been developed. Mr. Lawlor commented that a gas station makes the proposal less attractive and Mr. Geary said they may have to go to the Planning Board and Board of Appeals for permits for some businesses and they may impose some conditions. Mr. Dale said that signage, probably on Alpha Road, would be in compliance with the by-law and Mr. Geary said that many issues will be raised with the curb cuts. Mr. Blomgren questioned about available stock already in Town, would this add to or take away from other small malls, what value does this bring to the Town, and why is it needed.

Selectman Brem joined the meeting at 8:05 pm.

Mr. Dale told the Board that they are hoping to serve smaller tenants who have a need for these services.

Mr. Logan did not participate in the discussion or vote on this topic, and said that the Board will wait to hear the Planning Board's recommendation.

Former Selectman Dennis J. Ready was present and discussed the re-zoning article he is involved in. He is requesting a change in the use schedule in an industrial zone to allow restaurant usage. He showed the zoning map with IA zones in yellow, and said he is primarily concerned with the Golden Triangle. Mr. Ready said that he feels the 99 Restaurant would have gone into Chelmsford rather than Lowell if we had had the right zoning, and he has always felt that restaurants should be allowed in industrial zones and doesn't like spot zoning. The original petition called for restaurant, retail and indoor recreation, but only a restaurant would really be compatible with an IA zone so he will amend the article. Mr. Ready said that a couple of people have approached him about locating restaurants there and permitting restaurants in an IA zone will put us in competition with surrounding towns.

Mr. Ready said that Sun Micro Systems wouldn't have located there but for road improvements and sewerage. He doesn't feel that Rte. 129 will have large companies but niche manufacturing. Mr. Lawlor asked when this section of Rte. 129 was re-zoned and Mr. Ready said in 1962, to stop the building of Chelmsford Farms III.

Attorney Geary again addressed the Board, on behalf of the McBride Family, on the re-zoning of land off Mill Road, Article 9, for an 86 unit multi-family site, condoed, with common areas, to be known as Mill Brook. These homes are designed for first time buyers, with an average frontage per unit of 56 feet, and an average of 1350 - 1500 sq. ft. per unit. The McBride family will be the contractors, and the area abuts the Billerica Town Forest and includes a stream and pond. They have had a traffic study done and there will be less impact on the area than an industrial development would bring. Mr. Berm questioned infrastructures and Mr. Geary said there are existing sewer facilities and ample water. Utilities will be underground and Jack McBride said they will need a pumping station for sewerage which will probably be condo paid.

The Board then went on to **Other Business.**

1. **EVZON Beer and Wine License** - Mr. Logan stepped down. Mr. DeFreitas read the restrictions that the Board has placed on the license: 1. Hours of service to be as stated on the application - 11 am - 10 pm Weekdays; 12 noon - 10 pm Sundays. 2. Place mirror so Manager may see who is consuming liquor in all areas of restaurant; 3. Have a sign prominently displayed stating that no one will be served beer or wine unless he/she has purchased a meal; 4. Submit letter from owner of property stating that there are no objections to the issuance of this license (already submitted). No one wished to speak further and Mr. DeFreitas closed the hearing.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the application of EVZON for a Beer and Wine License subject to the conditions enumerated. The vote was 4 - 0 (Mr. Logan abstained). Mr. Logan resumed the chair.

2. **Halloween** - Mr. Logan said that over the past several years the Board has set the date of celebration for Halloween, based on the Police Chief's recommendations. Mr. Lynch said that he and the Chief are both recommending Saturday night, the actual date of Halloween.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to officially state that Halloween is to be celebrated on Saturday, October 31st from 5 pm - 8 pm.

3. **Thornton Lane** - Attorney Paul Alpen said that the Town has the right of first refusal on this property. The Board had given refusal on two lots, but now only one lot has been sold and all land is to be removed under Chapter 61A. Parcel A has to be removed and Parcel 2 can be renewed without a vote of the Town because it is the House residence. He is asking the Board to sign his letter dated September 21st clarifying which lots are being refused. Mr. Lynch recommended that the Board sign and Mr. Blomgren said he wouldn't sign anything until Town Counsel endorses the action.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor to sign the letter and have the Town Clerk notarize it in the morning. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

4. Warrant Articles - The Board decided to vote to post the warrant, with specific articles to be amended on Town Meeting floor. Mr. Lawlor noted that we are waiting for wordage on Article 6, submitted by Barbara Quinn. Town Manager Lynch reminded the Board that the Town is self-insured, and even though the persons covered would pay their own premiums the Town is liable for any major illnesses so there is a certain degree of risk. Under Chapter 32B people can't pay different rates. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the warrant articles as submitted.

Under Policies Previously Submitted, Mr. Lawlor said his purpose in submitting a policy on one-day liquor licenses is that our one-day policy has been confusing. He has stated conditions that would have to be filled, without any limit on the number of licenses, and that these licenses are only for non-profit organizations.

Mr. Brem said he wants to look at the fee structure for licenses - maybe let the first 5 licenses go at \$50.00 each, then go up to \$75.00 to \$100.00 for the next five, and higher after that. Mr. Blomgren suggested that there be no need for the petitioners to appear each and every time if we have had no problems issuing them licenses. The Town Manager recommended that the Board adopt the policy, since there has been confusion in the past.

Chairman Logan thanked Mr. Lawlor and Mr. Blomgren for putting together a good policy.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adopt the policy. Mr. Lawlor and Mr. Blomgren will work to integrate new policies into basic policies.

The Board had received a fax late today on Lamplighter Green but Mr. Lynch said they should reserve comment on the letter until we have talked to Special Counsel Tom Arnold. The Board will take action at their next meeting. Samuel Poulten, Developer for the Project, said he understands the Board of Appeals will vote on Thursday, and he wants to make sure that they did contact the Board of Selectmen.

Undr Reports the Town Manager reported that in early August the Board met with the North Chelmsford Water District re salt usage on state highways and the State DPW has said they will reduce the amount of salt used north of Drum Hill.

Mr. Lynch asked everyone to attend the Cultural Council's Fall Fair on the weekend of October 2nd.

Mr. Lynch reported that the Council on Aging is running an Adult Day Care Program self-supporting at no cost to the Town. Their Lunch Program is serving 180 persons a day, with 90 Meals on Wheels. On the Senior Tax Rebate we have two seniors in place, with about 50 expressing interest in the program.

Mr. Lynch said he had indicated earlier that an ambulance will be based in the Town of Chelmsford but it will be based out of the Center Station, not the West as reported. He will be working with the Chief and officers to look at other options. Mr. Blomgren asked why we re-surfaced the parking lot at the West Station and Mr. Lynch said that was part of the area to be re-paved under the Capital Plan. It was advantageous to have it done at this time.

Under Board Member Reports Mr. DeFreitas said that he and Mr. Blomgren debated the subject of Tax Classification with the Chelmsford Business Association. He has prepared a study of classification which is available for anyone who wants to write in for it. He will debate with Mr. Blomgren anytime, saying it was fun and informative, and he asked the Business Association to come to the Board with any ideas they might have.

Mr. Lawlor reported that the Board has met with all 3 water districts, that it was a good experience for the Board and the Town. They appreciate the hospitality shown to the Board by the Districts and they will be discussing various ideas presented.

Mr. Lawlor asked the Town Manager to look into Referendum Question #3 - packaging - to familiarize himself and report back to the Board, and should they as a group take an issue on it.

Mr. Brem reported as a member of the Cultural Council that they are holding their Fall Fair on the Common on October 2 and 3. This is a celebration of 10 years of grant funding - they have given \$40 - \$50 thousand to 30 or 40 groups over the past 10 years. He read a list of activities taking place during the Fair and invited all the community to attend.

The Chairman reported that the Town Manager is going to get the flagpole painted at the East School.

He asked the Town Manager to ask the Police Chief about the unusual amount of activity on the Common.

Mr. Logan announced that the Citizens' Forum originally scheduled for September 28th is now set for October 8th at the Senior Center at 7:30 p.m.,.

He announced that the Traffic and Safety Study Committee is going to hold a Public Hearing on September 28th at the Center.

Mr. Logan reported that he, Judy Carter and Mary St. Hilaire as Acting Town Manager met with visitors Jennifer and John Fairchild from Chelmsford, England on September 11th.

Mr. Logan reported that Economic Development Partnership (EDP), a non-profit private corporation, meets the 3rd Friday of the month. The 30,000 sq. ft. of space at Child World has been leased to MVP Sports.

Under Appointments, Mr. Lynch announced that Dan Burke has stepped down from the Board of Appeals after 17 years. In keeping with tradition he is appointing senior alternate Ronald Pare, who has 10 years experience, to a permanent position. He is accepting applications for the alternate position. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to confirm the appointment.

Under New Business Mr. Logan said that he wants Dan Burke and any other appointed Committee members who have resigned to attend the Board's next meeting to receive Certificates of Appreciation.

Mr. DeFreitas asked the Town Manager to aggressively look into the spillage from trucks in Central Square.

Mr. Blomgren asked about the abandoned Mobil Station at Drum Hill, noting that some piling that held a light has some bolts sticking out that can damage cars. The DPW had had a sawhorse there, and he asked the Town Manager to have the piling fixed.

Mr. Lawlor asked the Town Manager to make a recommendation on having the All Alcoholic Package Goods Store license on Gorham Street revoked.

Mr. Brem said that he has read the conceptual report on Frequency Sources. The DPW still has not given a waiver - they're waiting for the Water Pollution Control Division. At the present time there is no one assigned to the project from Water Pollution Control or Hazardous Waste. He has asked them to get going and may meet with them.

Motion at 10:15 pm by Mr. DeFreitas, seconded by Mr. Lawlor, to go into Executive Session to discuss strategy with regards to collective bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; Mr. Logan-Aye. Mr. Logan said they will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
92 NOV 17 PM 12:57
TOWN OF CROOKED SPRING
MARY E. ST. BLAINE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, October 5, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter W. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard F. Lynch was also present.

During the Open Session of the meeting Thomas Welch, 56 Crooked Spring Road, spoke to the Board on the proposed Lamplighter Green HOP development. Telamos will drop the number down to 98 if the Board will enter into a cooperative agreement with the developer. He stated that a local partnership is more beneficial to the Town and feels we are making progress with them. His major concerns are: if the developer gains benefit with a local partnership we should be getting something back from him by endorsing it; the Town should understand the size of the holding tank and work with the developer to determine the size; we should look at any opportunity to get the number of units down to 75; we should make sure the proper committees are involved in reviewing the project, and it would be wise to have the Town Manager pick 4 or 5 neighbors to meet with the developer on a regular basis.

George House, 12 Thornton Lane, spoke with the Board, saying that he wants the Town to pass an ordinance prohibiting dirtbike tracks in residential neighborhoods. He is trying to sell a lot and may have to sell his own home and no one would want to buy if they hear the noise. Mr. Lawlor commented that we already have noise ordinances and it may be a question of having the police enforce it. Mr. Lynch said that we have no restrictions on dirtbikes now because it hasn't been a problem to date. He added that we will check with other Towns re dirtbikes and ATV's. It appears to be a zoning by-law that has been requested and he will check with Tony Zagzoug, Richard Day and Jim Pearson. They have all looked at the area because at first we thought it was Town property.

Chairman Logan called the meeting to order at 7:30 pm.

Mr. DeFreitas read the proclamation proclaiming Knights of Columbus Days for the Handicapped as October 8 - 10, 1992. The proclamation was accepted by Nelson McCarthy, K of C.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to approve the Executive Session minutes of September 2, 1992.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the minutes of September 8 and September 11, 1992

The Chairman then presented Certificates of Appreciation to the following persons for their service on various committees: Franchon Larson - Council on Aging; Mike McCall - CoA; Albert

Leman - CoA; Sandra Stewich - Cultural Council; Hal Matzkin - Personnel Board; Dennis Sullivan - RecComm; Karen Wharton - Traffic & Safety; and Jean Mark - CoA. The following were not present and certificates will be sent: Carrie Steiman - Holiday Decorating; John Demers - Personnel Board; Candace Gregorian - CoA; Connie Stone - Capital Planning; Joan Gauthier - Personnel Board; Deborah Sady - Cultural Council; and Dan Burke - 17 years on the Board of Appeals. Mr. Logan thanked all appointed committee members for their time and dedication.

Catherine Fraser, New England Telephone, petitioned jointly with Mass. Electric Co. to place one pole on Pine Hill Road to service a new home.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the petition.

At 7:40 pm a Public Hearing was held on the application of John Bowles, Jake's Auto Body, for a Class II Auto Dealer's license to be exercised on the premises at One Oak Street. Mr. Bowles told the Board that he wants the license to buy repairable cars at the auction, so he can repair them and sell them to car dealers. He won't have more than two cars for sale on his property at one time, has a Mass. permit to store used oil and will comply with the sign by-law. The Police Chief recommends this license. No one present spoke in favor of or opposition to this application. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the Class II license, with the restrictions of not more than 2 cars for sale and compliance with the sign by-law.

A Public Hearing was then held on the application of Robert Lockhart, 4 San Mateo Drive, for a Common Victualer license to be exercised on the premises known as Carlisle Superette, Bay 6, 83 Parkhurst Road. Mr. Lockhart said he has been in Carlisle for 22 years but increased rent has made him decide to move his business to Chelmsford. He will sell sandwiches, subs and deli products in his convenience store, and the hours requested are from 7 am - 8 pm weekdays, and 8 am - 8 pm on Sundays. Speaking in favor were: Karen Wharton, who knew the Carlisle store, and John Harrington, who said the business community looks forward to them moving into Town.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the Common Victualer license with the stipulation that there will be no tables and chairs, although Mr. Lockhart may come back to the Board asking for them at a later date.

Under Town Manager Reports, Mr. Lynch reported that we received no responsible bids for the sale of the North Town Hall. We had requested \$75,000 as a minimum bid and had only one proposal, for \$1.00. If we go forward we would require additional bidding, and we already have advertising costs.

Re Hart Pond, there is a meeting tonight between the DPW Director and the residents and they appear to be in agreement.

On the Gorham Street liquor license, the Board should schedule a hearing to have it revoked due to lack of use. This will be scheduled as soon as it can be legally advertised - either October 19th or 26th.

He checked with Mass. Bituminous re trucks spilling oil in Central Square, and they are very willing to cooperate with the Town. Their Route 3 project is ending but it is up to the Police Chief to issue them permission to open on Sundays. Mr. DeFreitas said he has checked into a Rte. 495 approach ramp for Mass. Bituminous and it could happen if we urge the State. He will check further and Mass. Bituminous is also interested in this.

Mr. Lynch has done research into Question 3, an initiative petition on the state ballot. The purpose is to encourage recycling and discourage over packaging of products and several other states are considering the same question. Based on the Town's positive reaction to recycling, the package presented shows both sides. The Board should look the presentation over and make recommendations at the next meeting as to what stand the Town will take. Mr. Lynch noted that Very Fine juice company in Westford is already in compliance with this law. Mr. Brem said he feels that the initiative should be regional or national, not just local.

Mr. DeFreitas reported that he wants to commend everyone who worked on the Cultural Council Arts Fair - that it was very well staged.

He reported that there has been a meeting on one stop licensing, that there was some initial inertia but it was a very informative meeting.

Mr. DeFreitas said that ESP is running a once a month TV series on Cable 43 on how to start a business in Chelmsford.

Mr. Lawlor reported that on Thursday, October 8th the Board is holding a Citizens' Forum at the Senior Center, which will allow people to say whether we're doing well or not. The Board has a genuine commitment to be responsive to citizens.

Mr. Brem reported that the Arts Fair was very successful, and that the Cultural Council was formed in 1982 when the State initiated the Arts Lottery. The Chelmsford Council has granted app. \$100,000 over the past 10 years. Mr. Brem said that app. 2,000 people attended the Fair, and the theme was "Celebration". There is now talk about putting on a fair every year. Cable 43 will be re-broadcasting coverage of the fair this week.

Mr. Blomgren also noted the Citizens' Forum on Thursday and asked the media to publicize it.

Mr. Logan said congratulations to Mr. Brem and the Cultural Council on the Arts Fair and said that the Board wants to thank the Council.

Mr. Logan noted that the Finance Committee Warrant Book for the October 19 Town Meeting is out and asked all Town Meeting reps and interested residents to pick up their copies at the Town Offices. He also asked that minutes of BOS meetings be sent to the School and Finance Committees.

Mr. Logan reported that the Princeton Street bridge continues to rot away and that there are holes on either side of the Middlesex Street bridge near McMahon's Market. Mr. Lynch said we will again write to the State re Princeton Street although he knows it is low on their list, and he is asking the railroad to fix the fence on the Middlesex Street bridge. Mr. Brem asked for a sign at that bridge to warn motorists.

Mr. Logan said that the Board will go on the road - that we will schedule meetings for November - East School, December - Byam School and January - Senior Center.

Mr. Logan reported that at half-time at the football game on Friday, October 23rd the Alumni Field at the High School will be re-named the George Simonian Field and that there will be a dinner in honor of Mr. Simonian on Thursday, October 22nd.

Under Unfinished Business Safety Officer Pat Daley had recommended placing 15 minute parking signs in front of 179 Dalton Road at the request of the homeowner. Mr. Brem suggested referring the matter to the Traffic and Safety Committee for their October 14th meeting. The BOS can vote on the 19th.

A Stop Sign has been requested for the intersection of Meadowbrook and Crooked Spring Roads by residents and Pat Daley has recommended it and given the Board the approved form for the Chairman to sign. The state has recently empowered the towns to approve stop signs. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to have this Stop sign erected.

The Board then discussed the Lamplighter Green HOP proposal. Mr. Brem submitted a letter that he has filed with the Town Clerk stating that he worked on this project as Project Engineer which may appear to be a conflict of interest when there is none. He is disclosing this relationship as advised by the State Ethics Commission. Mr. Logan said he has read Chapter 268A.

The Town Manager then gave his recommendation, summing up the history of the project. In 1987 we advertised for RFP's for Affordable Housing Projects under the Housing Partnership Program (HOP). This Lamplighter Green proposal was filed as a single permit with the Board of Appeals. The Affordable Housing Review Committee (AHRC) had several concerns with Lamplighter Green but they approved it and passed it on to the Selectmen. The BOS did not endorse the project and the Board of Appeals did not grant the permit. Telamos then appealed to the Housing Appeals Committee, who allowed the project to go forward with the number of units reduced to 149. The Board of Appeals appealed through the courts on behalf of the Town but in February 1991 they had to issue a Comprehensive Permit as ordered by the courts. The Board of Appeals asked them to look at further reducing the density, which is now 98 units of single housing, with BOS endorsement. If the Board endorses the project it would be a local initiative project; the alternative is to go with 117 units.

Mr. Lynch said that the AHRC met earlier this evening and deliberated with the developer. Judy Hass, committee member, told the Board that the AHRC feels that this development should go forward, noting that the density concerns have been addressed: the developer would make 30% of the units affordable, and allow the Housing Authority to purchase up to 10% of the units. Their environmental concerns have been adequately addressed - wells, fencing, screening, access issues. The AHRC urges the Board to enter into a local agreement with the developer - they want to maintain a negotiable relationship and control with the developer. It was the consensus of six members that we have a strong need for 3 bedroom units and all units will be 3 bedrooms, and Attorney Capezzer representing Telamos has indicated willingness to try to reduce the size of the holding tank.

Mr. Logan asked Mr. Lynch if it is good for Chelmsford and is it good for the neighbors. Mr. Lynch said he would like to see the number of units increased even more but 98 units works for the developer and would work for the Town. He feels it is a good project for the Town. Mr. Lawlor asked about phasing and was told that about every 4th unit will be affordable. The condo association will own and manage the pumping station. Mr. Blomgren asked about the impact on the Town services, especially with two other proposed developments of 38 units and 78 units. Mr. Lynch told him that the major impact will be on the schools, and they are already re-districting. Roadways will be private and the pumping station owned by the association.

Atty. Capezzer then addressed the Board stating that re the Board's concern with the size of the holding tank they have already reduced it by 8 - 9,000 gallons by reducing the number of bedrooms. Each bedroom requires 110 gallons of holding capacity - the tank holds effluent to be pumped into the Richardson Road sewer system during off peak hours. Mr. Capezzer concluded that construction will probably be a 2-year

process and in a cooperative environment all sorts of solutions are possible.

Mr. DeFreitas moved, based on input from Tom Welch regarding the residents, that the BOS support this project, incorporating neighborhood concerns. Motion seconded by Mr. Lawlor for discussion, stating that the issue is, is this best for the Town. Mr. Lynch asked if the motion is that the Town enter into the preparation of documents to file with the State. Vote on the motion was 4 in favor, 1 opposed (Mr. Lawlor). Mr. Capezzer was told that this vote will go to the Board of Appeals.

The Board then voted on their position on Warrant Articles for October 19 Town Meeting.

Art. 1 - Petition: to form committee to study feasibility of forming Town Meeting Association. Motion by RdeF, seconded by JAB to not recommend. Vote was 3 in favor, 2 opposed (RAB and PVL).

Art. 2: Cemetery Union funding. Motion by RdeF, seconded by PVL, unan. to recommend.

Art. 3: NVTHS Grant - to accept. Motion by RdeF, seconded by PVL, unan. to recommend.

Art. 4: Early Retirement Incentive. Motion by RdeF, seconded by PVL, unan. to recommend.

Art. 5: Zoning By-law Amendment. Motion by RdeF, seconded by PVL, to recommend. Vote was 3 in favor, 2 opposed (JAB and RAB)

Art. 6: Health Insurance for appointed officials. After discussion, motion RdeF, seconded by PVL, unan. to recommend at Town Meeting. Mr. Lynch will check into the retirement question.

Art. 7: D.J. Ready, to change IA zoning to BA to allow restaurants. Motion RdeF, seconded by JAB, to recommend at Town Meeting. Vote was 4 in favor, 1 opposed.

Art. 8: Repeal of Trapping By-law. Motion by RdeF, seconded by PVL, unan. to recommend.

Art. 9: Change zoning on Mill Road from IA to RM. Motion by RdeF to support, second JAB for discussion. Discussion was held as to whether RM is a good zone for this area. Mr. DeFreitas changed his motion from to support to recommend at Town Meeting, seconded by JAB. Vote was 4 in favor, 1 opposed (PVL).

Arts. 10, 11 and 12: Sale of Town-owned land. Motion by RAB, seconded by RdeF, unan. to recommend.

Art. 13: Sale of land at Crystal Lake to clear a title. Motion by JAB, seconded by RdeF, unan., to recommend at Town Meeting after hearing the petitioner.

Art. 14: Fire Dept. By-laws - adoption of changes in State law. Motion by RdeF, seconded by PVL, unan. to recommend.

Art. 15: Zoning Change IA to CB, Billerica Road (Carye land) Motion by PVL, seconded by JAB, to not recommend. Vote was 4 in favor, 1 abstention (WRL).

Art. 16: BOS Appointing Powers: Motion by RdeF to withdraw. No second. Motion by RdeF to not recommend. No second. Motion by RAB, seconded by JAB, to recommend. Vote was 3 in favor, 2 opposed (RdeF and WRL).

Art. 17: Sale of non-alcoholic beer. Motion by RdeF to recommend at Town Meeting. No second - withdrawn. Motion by JAB, seconded by PVL, to recommend. Vote was 4 in favor, 1 abstention.

Art. 18: Re-open West Fire Station. Motion by PVL, seconded by RAB, unan. to recommend at Town Meeting.

St. Vartanantz Armenian Cultural Council has requested three 1-day liquor licenses for weddings. Mr. Logan turned the chair over to Mr. DeFreitas. Mr. DeFreitas read the dates and times for each of the 3 weddings - October 11, 12 and 17. Motion by Mr. Lawlor, seconded by Mr. Brem, to grant the licenses. Mr. Brem questioned the Sunday Entertainment asked for, and Mr. Lynch said the church is exempt as a non-profit organization from obtaining and added that the ABCC says we can issue up to 30 per year to any one establishment. Vote was 4 in favor, 1 abstention (WRL).

There were no policies, appointments, contracts or new business.

Mr. Lynch asked the Board about the memo he had written to them dated September 30, moving the daily supervision of the Town Accountant to the Finance Director. He will still meet with the Chairman of the Board on a quarterly basis. Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to accept the recommendations outlined in the Town Manager's memo of Sept. 30 re the reporting mechanism of the Town Accountant, with his job responsibility and a Finance Director's job description drafted by the Town Manager. Mr. Lynch will report back in February to bring an article to an April Town Meeting if a charter change is needed. Mr. Lynch said we will proceed with the recommendations of the auditors and develop corrective action plans and work for better communications between departments. Mr. Blomgren asked Mr. Lynch to draft what we expect of the auditors' engagement.

At 10:15 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

RECEIVED
92 NOV 17 PM 12:57
TOWN OF LOWELL
MARY E. STANLEY
TO VICE PRESIDENT

Meeting of the Board of Selectmen held Monday, November 9, 1992 at 6:30 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Logan introduced Richard Johnson, City Manager of Lowell. Mr. Johnson said he wishes to tell the Board where the Department of Defense proposal is going and to ask for the Board's support. The proposal involves the State purchasing the Wang Tower facility and leasing it to the Department of Defense for 30 years at no charge, including operating costs. The proposal is being used as a magnet to draw 51 communities together and will generate between 4,000 and 7,000 jobs, with both direct and indirect benefits to the Merrimack Valley and surrounding communities.

Mr. Johnson said he needs the Board's help - that the employees workers will be looking at housing in the suburbs. They are setting up committees on housing, health care, education, etc. He added that this is a fast track - that all work needs to be done now to have the package ready to present by the end of the year and there is a need for Chelmsford to be involved with each Committee. They are asking businesses in the area of the Towers to support the project and will need \$150,000 - \$200,000. Lowell City Counselor Kennedy found the grant RFP in an obscure source and applications have been received from 100 ciites nationwide. Lowell has submitted 3 different sites, and City Manager Johnson said that we need to show the nation our quality of life. He stated that the acquisition price is being negotiated with Wang, and that the City of Fall River has also submitted a proposal but only for land, no buildings.

Kevin Coughlin, President of the Northern Middlesex Chamber of Commerce and Industries, addressed the Board and stressed the regionalization of the project, that it benefits the entire Merrimack Valley and all the surrounding Towns.

Mr. Lawlor asked what can the Town do to make Lowell an attractive site for the project, and Mr. Johnson said that the next three Saturdays are Site Preparation Days, that they are sprucing up the Lowell Connector Saturday. He stressed that this is the opportunity of a generation, will be the foundation of our future and if we don't get this project we will be ready for whatever else is coming along. The Department of Defense is choosing a short list of 30 proposals and a team of six will spend an entire day in the Lowell area before Christmas. Selectman Brem credited Mr. Johnson and Mr. Coughlin for getting the proposal together and thanked them for all the members. Chairman Logan said the Town is ready and willing to do whatever we can to help and he will talk to the DPW director about some help on Saturday.

Mr. Lynch recommended that the Board vote to endorse the project and to send letters to the congressional delegations of Mass. and New Hampshire asking for their support.
Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to do so.

At 7:00 p.m. the Board held a **Public Hearing on the subject of Classification.**

Diane Phillips, Chairman of the Board of Assessors, introduced Joseph Shanahan, Sr. and Bruce Symmes, other members of the Board.

Ms. Phillips said that the tax rate has gone up - last year the redistribution was \$14.30 and \$15.26; this year the flat rate is \$16.35. The growth figure for this year is \$170,000; for last year \$240,000.

Town Manager Lynch commented that the total value in Town has dropped by \$8 million, and sewer construction and the trash override have added to the tax rate. The sewer has added \$1.68 and the override \$.76 per thousand.

Ms. Phillips said that residential valuations are up by less than 1% and businesses have dropped by 4% through the abatement process. The vacancy rate on Commercial property is between 38% and 40%, going down slightly.

Mr. Logan commented that the 5% differential came in 5 - 6 years ago, and that the Board will obtain information tonight and vote at their meeting next week on November 16th.

Douglas Hausler, Esquire, speaking for the Chelmsford Businessmen's Association, said that the Association strongly opposes the existing system of classification because:

1. the additional tax burden on businessmen serves as a disincentive for new growth;
2. this unfair tax burden makes it harder for existing businesses to compete locally; and
3. this additional tax burden on business and no compensating benefits is discriminatory.

Thomas Moran, Precinct 3 rep., spoke to the Board saying that he wants to maintain the existing tax system. Municipal services have been cut and the homeowners hurt economically. He said that businesses are able to take advantage of our increased population of 100,000 during the work day.

John Harrington, President of the CBA, said that 95% of the Association's members are residents of Chelmsford.

Selectman DeFreitas showed two overhead slides, one on Classification vs. Growth, indicating that in the end classification ends up driving businesses out of town and putting the burden back on the homeowner; and a second slide on Creeping Classification and Attrition showing that classification can eventually cause a rise in residential taxes. The ultimate solution is new growth.

Ms. Phillips said that the estimated levy for this year is 12% over last year.

Mr. Lawlor asked for the state of classification in surrounding communities and the Assessors said that Dracut and Westford never had it, Tyngsboro just voted it out and that Lowell, Billerica, Tewksbury, Andover and Burlington all have classifications with various shifts - Burlington's shift is 75%.

Mr. Lynch recommended that we retain our 5% differential and not hurt growth or the residential taxpayer this year.

Mr. Logan announced that the Board will vote at their next meeting on November 16th.

At 7:40 p.m. Mr. Logan stated that the Board will adjourn until their 8:00 p.m. meeting with the School Committee and Finance Committee for further discussion of the Town's fiscal position.

For the Board of Selectmen, by

Julio E. Carter

RECEIVED
92 NOV 17 PM 12:57

Regular meeting of the Board of Selectmen held Monday, October 26, 1992 at 7:00 p.m. at McCarthy Middle School. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

At 7:00 p.m. a Public Hearing was advertised to revoke the All Alcoholic license issued to KAP Liquors, 149 Gorham Street. Attorney David Fenton represented the owner Peter Kapala, and gave the Board a prepared schedule. The premises listed on the license had been foreclosed on by Shawmut Bank and the owner is trying to sell the building and market the license. Shawmut has no interest in the license so therefore Mr. Kapala can sell it. Shawmut has a second mortgage on Mr. Kapala's house and has started foreclosure proceedings. They are asking the Board of Selectmen to not take action for 4 or 5 months. No one present spoke in favor of or opposition to this revocation.

Mr. DeFreitas asked how long they needed for an extension and Mr. Fenton said that since it has been advertised and the interested parties informed they are asking for 4 - 6 months. Mr. DeFreitas asked Town Counsel James Harrington if the Town is under obligation to give them additional time and was told No, that only the Board can hold off on revocation and they should do something by the first of the year. Mr. Fenton said they might be closer to an agreement by then. Mr. Harrington said the Board could table the matter until the December annual review of licenses.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to continue this hearing to the last meeting in December (Dec. 21st) to reconsider at that point what actions we need to take. Mr. Fenton will contact the Clerk 10 days prior to that time.

Catherine Frazer, New England Telephone Company, was present with two pole petitions for Public Hearings.

1. Joint petition with Mass. Electric - Place 1 pole on Littleton Road and 3 on Hunt Road as requested by the Town for the reconstruction of the corner. No one spoke in favor or opposition to this petition.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve. The road cuts have already been made and there will be no interference with the sewer line.

2. Billerica Road - place 75 feet of conduit between poles 27/93 and 27/84 to go into a private way. No one spoke in favor or opposition to this petition.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

Ms. Frazer said that at Marguerite Road and Dunstable Road the phone company has looked at the area and the pole is in line where it should be. They would have to get an easement to look at it and Mr. Lynch said the Town will take another look at it. On Carlisle Street there is a Work Request to remove a double pole.

There were no reports from the Town Manager or Board Members. Chairman Logan reported that re the Traffic and Safety request for no parking on the easterly side of Central Square they are now requesting that the Board hold off on implementation until after the next Traffic and Safety Committee meeting on November 18th. The parking lot that we thought was municipal is on private property.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table the implementation until on or after January 1st.

Mr. Lynch said he has appointed Carl Lebedzinski, Precinct 2, to replace Kenneth Butterfield on the Veterans' Emergency Fund Committee. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support this nomination.

Under New Business the Conservation Commission has asked the Board to withdraw Article 8, to repeal the trapping by-law article. Mr. Lawlor said to stand by our current vote, and Mr. DeFreitas said to withdraw this article will only cause another debate and will raise the same issues again. He said the article should win or lose on its own merit. Mr. Logan added that the Board had voted to repeal the by-law at its October 1st meeting.

Mr. Lynch said he wants to withdraw the Special Town Meeting for October 29th, and he will change the Fire Department funding.

At 7:30 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Julio E. Cantu

RECEIVED
92 NOV 17 PM 12:57

TOWN OF CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, October 19, 1992 at 7:00 pm at McCarthy Middle School. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Motion by Mr. Brem seconded by Mr. DeFreitas, unan. to table approval of the minutes until the next meeting since some members just received copies tonight.

Douglas Gembis, Managing Partner at Bainbridge's Restaurant, had written to the Board asking for an extension of the premises under their liquor license for the evening of October 23rd. Motion by Mr. Lawlor, seconded by Mr. DeFreitas, to approve this request, pending receipt of a letter of support from Gene Gilet, owner of the facility. Vote was 4 in favor, 1 abstention (Mr. Logan, due to a conflict of interest).

Under Reports, Mr. Logan reported that the Traffic and Safety Committee had received a request from Police Department members Chief McKeon, Captain Caron and Safety Officer Daley to prohibit parking on the easterly side of Central Square from Summer Street to Billerica Road. He said that this is normally the purview of the Traffic and Safety Committee but he wants the Board to vote on this very important issue. Mr. Lynch commented that the Town has grappled with this problem for a long time because of safety reasons.

Mr. Logan said we have a press release and an amendment to the Town of Chelmsford by-laws. The Committee hopes this can take effect by November 1st. Traffic lines will have to be re-painted. Mr. Lawlor said he has a problem with the businesses in the Square losing 5 parking spaces and Mr. Logan said there are 80 - 90 spaces behind the buildings. Mr. Lynch said we will have signs put up saying Municipal Parking (behind the bank). Mr. Logan said they advertised the Traffic and Safety hearing and none of the merchants came. Mr. Logan stepped down as Chairman and moved that the Board endorse the policy of the Traffic and Safety Committee on no parking on the easterly side of Central Square, as recommended by the Chief of Police, Captain Caron, the Safety Officer, the DPW Director and the Crosswalk Committee, and to add at least two new Municipal Parking Signs, effective November 15th. Motion seconded by Mr. DeFreitas. Vote was 4 in favor, 1 opposed (Mr. Lawlor).

Mr. Logan announced that Toys for Tots is looking for volunteers.

Under Other Business the request of St. Vartanantz Cultural Pavilion for 2 one-day liquor licenses was discussed. Chairman Logan did not take part in the discussion or vote. Motion by Mr. Lawlor, seconded by Mr. Brem, to grant the requested licenses for November 1 and 7. Vote was 4 in favor.

Angela Sella, owner of Homemade Pasta, 61 Central Square, had written to the Board requesting adding seating to her shop, which is primarily pasta takeout. The Building Inspector has approved 19 seats in the establishment. The Board expressed concerns about the parking at this site and tabled the matter until November 16th and ask Ms. Sella to obtain a letter from her landlord stating his approval of adding seats. Mr. Logan asked Mr. Brem to talk with the Planning Board regarding the zoning and current parking situation at this site. Mr. Blomgren asked the difference between fast food and take out.

Under Contract Awards, Mr. Lynch said he has awarded the bid for the Cemetery Dept. Dump Truck to Iversen Ford for \$22,131. This is financed by Capital Planning. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn at 7:30 pm to attend Town Meeting.

For the Board of Selectmen, by

Judith E. Cantu

RECEIVED
92 DEC 10 PM 1:37
TOWN OF LOWELL
CLERK OF BOARD

Regular meeting of the Board of Selectmen held Monday, November 16, 1992 at 7:00 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Brad Emerson, 30 Lantern Lane, spoke to the Board about the excessive dumping at the Lowell Landfill, that it appears a great amount of out of town and state trash is being hauled in to make money for Lowell before the end of December when the landfill is scheduled to close. He asked the Board to do what they can to put a stop to this "violent crime against the environment".

Mr. Lawlor told him that the Lowell Sun reported tonight that Lowell City Manager Johnson has halted the dumping of all out of town trash at the landfill immediately, which should cut the tonnage by 80%. Mr. Emerson also expressed the fear that some of the material dumped may be hazardous waste.

Cookie Shugrue-Sungaard, Marina Road, spoke to the Board, saying she had been asked to coordinate the Chelmsford effort to help the City of Lowell with their DoD Cleanup and is looking for Board input on issues raised. The clean-up day is Saturday, with a rain date of the 28th, and will start with Route 110 from the Route 3 Cinema to Industrial Avenue. The next phase is all the streets leading from Chelmsford into Lowell and depends on the number of volunteers. She is asking Board approval of the sites she outlined and said they are looking for safe sites for volunteers. They are also asking for DPW help and need the name of a contact person so equipment could be dropped off. Lowell will supply rakes, shovels, bags, etc. if Chelmsford can't and they are hoping that Public Safety officers won't have to be involved. They are looking for refreshments for volunteers through donations, want about 25 volunteers per site and have asked Scout organizations, the High School and want to ask Town employees to volunteer. She gave contact phone numbers and said they will be at the Wang building on Industrial Avenue at 9 am on Saturday. The Board suggested that Drum Hill Road and Stedman Street be added to the list of sites, and Mr. Logan said the Board will vote to support the project under New Business.

At 7:20 pm the Board adjourned until 7:30 pm.

Chairman Logan called the regular meeting to order at 7:30 pm noting that all Board members are present.

On a motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. the Board voted to approve the following minutes: Regular and Executive Sessions of October 5, 19 and 26, Regular Session of November 9 and Executive Sessions of October 1 and 8.

Mr. Lawlor read a Proclamation proclaiming November as Hospice Month and Amber Coleman, Visiting Nurse Association, accepted the proclamation.

At 7:30 pm Sara Goldreich of the CHS Class of 1993 told the Board that her class wants to have a bonfire on November 23rd to promote school spirit. It will be held behind the High School under the supervision of the Fire and Police Departments. Under new regulations the Fire Chief and the Board of Selectmen must give their approval.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant permission for the bonfire.

Mark Perriello, CHS Class of '93 and Student Council member, then spoke to the Board stating that he felt it was time for another Clean-up Day for the Town, and has spoken at length with Carrie Steiman and has gained the endorsement of the School Committee for a date of May 1, 1993. He will contact church and civic groups, Scouts, PTO's and recreational organizations, will run a Poster Contest in the schools, will have a flyer sent home and put out press releases. Mark said he has also contacted Waste Management for dumpsters and the Police Chief for auxiliary support and will be contacting local businesses for support and donations.

The Board all commended him for his idea and Mr. Logan said the Town can't go wrong with this class sponsoring this project. Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. to proclaim the week of April 25, 1993 as a Cleaner Chelmsford Week and Saturday, May 1st as Clean-up Day.

Angele Sella, owner and Manager of Homemade Pasta, 61 Central Square was present asking the Board for permission to put seating in her restaurant. She had obtained the requested note from landlord George Kalos stating that he has no objections, and the Building Inspector has ok'd not more than 19 seats.

Mr. Lawlor said he had visited the site Saturday and found it to be a clean, nicely run establishment, and he is no longer concerned about parking.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the license for seating with a restriction of 19 seats.

Dr. Richard Moser, Supt. of Schools, then addressed the Board, reporting on the work of the AIDS Task Force. He passed out a packet of information and said that a Task Force of 18 people was formed last May and has been meeting twice a month. They feel that the Town faces the full threat of the HIV virus and AIDS, and are having an Open Hearing tomorrow night at the Parker School.

The Task Force defined the problem and their recommendations are all school oriented. They did a survey of CHS students and learned a lot as a Task Force, sometimes meeting twice a week. The statement of the problem, written by a sub-committee, says that AIDS is a potential threat to everyone. He listed the sources of AIDS, and said that there are now 5700 cases in Massachusetts. The Task Force took an anonymous survey of CHS students and found that our youth have risk behaviors similar to others in the State, and that their attitude makes the Task Force label the problem serious - their belief in immortality and "it can't happen to me". The Task Force feels that no community is free from the problem and has made up a list of steps that could be taken, although there is still more work to do. Dr. Moser said the Board can do things to help - that we need to educate the broader community, not just the schools, that they are concerned about HIV/AIDS in the workplace, and that there has been a great commitment of hours by the Task Force and that they don't want to see the work end. The Board members all commended Dr. Moser and his group for the fine work they have done. He said that the School Committee will work on policies and he and the Assist. Supt. will implement them. He will share all their information with the Board so they can formulate a town-wide policy, and will be the contact person for the Board.

A Public Hearing was then held on the application of Earl Socha d/b/a Bodyworks Autobody for a Class II Auto Dealer's license to be exercised on the premises at 297 Littleton Road. Mr. Socha said he has been at this location since 1984 and he needs the used car license to help his business. Mr. Logan said the Police Chief and Building Inspector have both approved the application. In January, 1992 the Building Inspector had checked to see if he was selling cars there illegally but Mr. Socha said the only car he had sold was his own Toyota.

No one present spoke in favor, and Paul Smith, representing Precision Machinists Company, 299 Littleton Road, said he is opposed to the application since there are too many cars and too much congestion in that lot now. Mr. Smith also said that if there are more cars on the lot it is more inviting to thieves and would bring more crime into the area.

Mr. Socha said that he has 20 parking spaces in his area and he has only 4 cars in those spots - he could put them all inside if he had to. He said he has two bays of 1,000 sq. ft. each. He is buying cars to repair and not planning to sell much to the public but to dealers. Mr. Lawlor commented that he had visited the site Saturday and it was clean, well kept and a complement to the area. He showed a plot plan to the Board and said he doesn't need room for 20 cars but would like a license for 5. Mr. Socha said he doesn't think that anyone will break into cars on the lot for repair. Mr. Brem said that we could limit the number to 3

vehicles tonight and have the Building Inspector look at the site and determine the proper number of spaces. Mr. Socha could come back in if he wants to expand the number to 5. Mr. Blomgren said that some days that whole area looks like a junk yard, and Mr. Socha said that the building needs to be kept up better. Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to grant a Class II Auto Dealer's license to Earl Socha d/b/a Bodyworks Autobody to sell not more than 3 used cars. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

The Board then met with Ronald Wetmore, 247 Acton Road, President of the Chelmsford Masonic Association, a committee formed to look into purchasing the North Town Hall to use as a Masonic lodge. Mr. Wetmore went over a list of the reasons they would like to purchase the building: it suits the purpose of a lodge, with the second floor for a lodge ceremonial room and the first floor for a function room; the building has not been used except for storage for 12 years and is falling apart - they would upgrade the heating system, insulate, fix or replace all windows, the building can be made handicapped accessible. They don't have \$75,000 to spend right now but will raise money through fundraisers. He showed pictures of lodges in other Towns and said he thinks they're the asset that the Board is looking for. Mr. Wetmore said that they are not allowed to have a liquor license or to serve it in the building - the only way it might be served is if a private party rented the function hall and was granted a one-day license. Mr. Lynch explained that this is a piece of public real estate and has to go through the bid process. When it was advertised the Board put a minimum amount that would be accepted as a bid on the property and since the Masons bid only \$1.00 the Board will have to go back out for bid. We could put right of first refusal into the specs. Mr. Lynch outlined the Board's options: maintain it as a Town building in its current condition; maintain it as a Town building and utilize it; use it as civic/cultural space; use it as a storage facility; sell or lease it to the high bidder; demolish the building and sell it as a lot. He said we should explore all the options and determine where can the Town derive the biggest financial benefits. Mr. Logan stepped down from the Chair and moved to bring back the bidding process, take a minimum bid of \$1.00, right of first refusal, BOS to review proposed restoration of building on a cost basis, a clause that states a minimum investment of \$50,000, inclusion of the Fire alarm horn may be used by the Fire Dept. and an RFP for review at the Board's next meeting, seconded by Mr. DeFreitas. Vote on the motion was unanimously in favor.

Under Reports, Mr. Logan reported that the Board met last Thursday with Department Heads, found the meeting very effective and found out each department's needs and goals. The Board would like to do this yearly. Mr. Logan reported that during Town Meeting Rep Tom Moran had several recommendations that the Board will be working on during their next Work Session. The Finance Committee is starting budget sessions and he said that Town Meeting reps are welcome to attend.

Mr. DeFreitas reported on ESP meetings - next meeting on Wednesday and Part 3 on their television series on December 3rd. He agreed with Mr. Logan that the Department Head meeting was very productive. Mr. DeFreitas said that he was very disappointed that the School Committee would not let Dr. Moser attend since he is the most knowledgeable person on their needs. He then went on to read a statement in response to an article in Sunday's newspaper.

Mr. Lawlor asked the Town Manager if we've done anything else to help the City of Lowell with their DOD project and Mr. Lynch said our DPW is working in the area of Chelmsford Street and Wang, and we have sent correspondence to major tenants along Rte. 110 asking for their assistance.

Mr. Brem reported that he has had calls on the leaf pick-up - that they didn't pick up cardboard boxes, and announced that there will be another pick-up December 5th. He said that we are a pro-active Board and asked residents to use the Selectline more often. Mr. Blomgren asked if sand and salt are available for residents and Mr. Lynch said it will be publicized that it is at the parking lot across from McCarthy School on Old Westford Road.

The Board then took their vote on Classification on the tax rate. Mr. Logan re-opened the Public Hearing of November 9th and then closed it. Mr. DeFreitas moved to leave classification at 105%, seconded by Mr. Lawlor. Mr. Blomgren gave the Board handouts of what he had prepared, noting that Chelmsford has the best classification system of all the cities and towns that have it. He showed the shift in the tax base from 1991 to 1993, and said that there has been about a 25% increase in the tax rate. The issues are that 2 1/2% is based on larger and larger tax bases and taxpayers can't afford continued up trends. The Board needs to spend more time educating Town Meeting members that we can't afford to pay any more real estate taxes. Our levy base is growing at a disproportionate rate due to abatements, revaluations and overrides.

Mr. Logan said it is a difficult issue, that he feels Chelmsford is not doing a good job with classification and that he wants to get away from it, but will vote for it this year.
Mr. Brem said that business is valued higher than residences, and then we add 5%, which doesn't seem fair and as vacant space fills up we can look at going back to 100%.
The vote on Mr. DeFreitas' motion to leave Classification at 105% was voted unanimously in favor.

Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to grant Roadside Vendor Licenses for the sale of Christmas trees to:
1. Little League at the Rte. 110 ballfields;
2. Donald Kohl at 33 45 Vinal Square.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant a One-day All Alcoholic license to St. John the Evangelist Church for a Christmas party.

Under Appointments Mr. Lynch said he has made the following appointments:
Capital Planning Committee: C. Thomas Christiano, 6 Drew Circle;
Affordable Housing Master Plan Committee: Angela Westgate, 7 Wildes Road
Community Teamwork, Inc.: he has already appointed William Poullos who is doing an excellent job.
The agenda stated an appointment to the Holiday Decorating Committee, but should have read the Cultural Council. Mr. Brem said he has not yet resigned from the Council so we should wait on that appointment.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support the Town Manager's appointments.

Under New Business, Mr. Lawlor said that when we license Christmas trees next year we should ask them to accept trees back and dispose of them somehow.

Mr. DeFreitas said that on Saturday, December 5th, the Board will be making random liquor license inspections.

Mr. Brem said that he wants to establish a Long Term Planning Committee to plan for open space, trail systems, signage and other aesthetic improvements, infrastructure and zoning issues, and moved to establish such a committee to be made up of reps from the BOS, School Committee, Finance Committee, Planning Board and Capital Planning Committees, and the Town Manager and the Finance Director. He would like to have them develop a Master Plan for the next 5 - 20 years, and meet the second Thursday of each month. Mr. Lawlor suggested that the Board set parameters in a Board Work Session, to give direction to this effort. This was put in the form of an amendment to the motion and was unanimous.

Mr. Blomgren asked Mr. Lynch to talk about snow emergencies at the next meeting, snow removal practices and minimal salt requirements.

Mr. Blomgren moved that the Board send a letter to the Billerica Board of Selectmen stating that we are confident that Chelmsford will prevail in the Thanksgiving Football game but if we should lose we will take their Board to lunch, and vice versa. Motion was approved unanimously.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support the DOD Clean-up as proposed by Cookie Shugrue-Sungaard.

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to approve the installation of two Stop Signs:

1. Hazen Road southerly at Concord Road; and
2. Dunstable Road southerly at Vinal Square.

At 10:00 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, to adjourn to Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; and Mr. Logan-Aye. Mr. Logan told the press that the Board will not be returning to open session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Cantu

93 JAN -7 PM12:29
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TOWN CLERK
REGULAR MEETING

Regular meeting of the Board of Selectmen held Monday, December 7, 1992 at 7:00 pm at the East School, Carlisle Street. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren.

During the Open Session Lynn Marcella, 74 Carlisle Street and member of the Housing Authority, asked about the status of the East School building. She said it is an eyesore and that the Housing Authority would love to have the building for their own use. Mr. Lynch said we could have reps from the Scouts come in to a meeting again to update the Board on their plans. Ms. Marcella said she had heard that the Scouts were giving up the building.

Ms. Marcella then asked about the poles in the middle of the street in several instances in East Chelmsford. Mr. DeFreitas told her that we may put islands around the poles on Marshall and Canal Streets, and that on Randall and Donald Streets the poles would have had to be moved across the street and the neighbors did not want this done.

Boy Scout Director Frank Berry spoke to the Board stating that the Scouts are making attempts to renovate the building and replace the roof. He wants it known that the Town did not give the school to the Scouts, that they paid \$28,000 for it. Since 1986 they have paid off the mortgage and in 1989 had drawn up plans for renovations which would cost \$800,000.

Rene LaRouche, 20 Dunshire Drive, gave the Board an update on the trapping of the beavers, stating that 60 have been trapped so far. The trappers will list the locations of where the beavers have been trapped at the end of the season.

Isabel Gonsalves, Biltmore Avenue, said she is concerned about the war monument in East Chelmsford. She would like to have a fence put around the monument and the flag pole restored. Mr. Lynch told her he had the flagpole scraped but it was rotten and will be replaced with an aluminum pole in the spring. He will have the DPW look at the plaque and monument.

Henry Emmett, 13 Smokerise Drive, said he didn't plan to speak tonight but as a Town Meeting Rep he voted in favor of trapping and corrected some information Mr. La Rouche had given - Kathleen Hillman is not associated with the Friends of Animals, the article was not against trapping, the figure of 300 beavers has not been substantiated but they will trap more than 300 at the rate they're going.

Chairman Logan called the meeting to order at 7:30 p.m. and asked for a moment of silence in memory of those who died on Pearl Harbor Day. Mr. Logan thanked Frank Barry and the Boy Scouts for letting the Board use the building. He said that the Board will be meeting at the Byam School and the Senior Center during the coming months.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the November 16th meeting, Regular and Executive Sessions.

Lynn Lockhart was present representing Carlisle Superette, 83 Parkhurst Road. She said they have been in business for five weeks and have a need for tables and chairs since Courthouse Square appears to be more of a Food Court than a take-out area. Mr. Logan read a letter from the Building Inspector approving seating for not more than 16 people and a letter of permission from owner Eric Katz. Ms. Lockhart said they will start with 12 seats and work up to 16 if necessary.

Mr. Logan said he has talked to Mr. Lockhart and feels there is sufficient space for seating.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the request for seating.

David Cunha, owner of Country Clubs USA and II, was present to update the Board on the activities at his billiard parlor and request an extension of hours to serve beer and wine to 1:00 am. Mr. Logan stepped down from the Chair and did not participate in the discussion or vote due to a potential conflict of interest. Mr. Cunha showed Board members pictures of three recent tournaments and said he already has six scheduled for next year. He is requesting the extension of hours for Thursday, Friday and Saturday nights and said they have had up to 200 spectators, including many local people.

The hours now are 12 pm - 12 am and he is requesting a closing of 1 am, at his discretion. Mr. Cunha said he is also asking for two pinball machines in the lounge since there is often a lot of time between matches and was told to fill out formal applications.

Mr. Cunha said that business is going rather slow and they're not rushing it. They have the largest room in New England for tournaments. Mr. Brem asked if there are any problems with parking and Mr. Cunha said No.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the extension of hours for Country Club II with all the restrictions on the original license to continue, to take effect January 1st. Vote was 4 in favor. Mr. Logan did not vote.

Under Reports, Town Manager Bernard Lynch said that re the School Committee's work on the AIDS Task Force, he has met with Judy Dunigan, Public Health nurse and she feels there is a role for the Town. He will appoint a Task Force with Ms. Dunigan and 2 - 3 members of the medical community and they may have a call-in show on Cable TV.

Regarding regionalization, Mr. Lynch said he has explored with area managers the idea of having a shared Veterans' Agent with Westford. Their agent has retired and Kevin Cody will cover both communities. Mr. Lawlor asked about the hours and Mr. Lynch said that Mr. Cody will spend 3 days a week in Chelmsford at a cost to the Town of 60% of his compensation and Westford for 2 days, at 40%. The Northern Middlesex Council of Governments will hire him as a full-time employee and we and Westford will contract with him. Our share will cover wages and benefits but he will be under the direct supervision of NMCOG's Bob Flynn, with Mr. Lynch and Bob Halpin of Westford as the working committee. Clerical assistance will be provided by both Towns and NMCOG. Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to move to cooperatively provide veterans' services to the residents of Westford and Chelmsford.

Mr. Lynch reported on Snow Emergencies, stating that with 6" of snow we declare a Snow Emergency so that there will be no parking on the streets during plowing. DPW Director James Pearson had submitted a report to the Board and Mr. Lynch went over the highpoints, noting that we now have routes and priorities for clearing snow.

Sand and salt for residents is available at the intersection of Graniteville and Old Westford Roads. The ratio of sand and salt is 6 - 1, adjusted with conditions of the roadways, and two trucks have liquid de-icing mechanisms. Mr. Lawlor asked about salt distribution and does Mr. Pearson coordinate with the Water Departments re sensitive areas. Mr. Lynch said that he is in touch with them, and Tom Firth, East Chelmsford Water Commissioner, said that roads in the East District are mostly controlled by the State. Mr. Brem asked that Mr. Pearson have copies of the policy available to residents.

Mr. Lynch said that we have made great strides in snow and ice removal in the last three years, in both management and equipment. He answered several questions from Board members and told the public to call the Highway Dept. with problems.

Under Reports, Mr. Logan asked the Town Manager to check into the unfinished building situation at 93 Old Stage Road and Mr. Lynch said he will check with the Building Inspector. He asked where we stand with Public Safety Initiatives and where are we going with it. Mr. Lynch said we are still exploring, and need coordination within the public safety departments. He said we can talk about it at the Work Session and explore central administration.

Mr. Lawlor reported that he had asked that dealers accept back Christmas trees for recycling but is now reporting that Laughton's will accept trees this year and he is encouraging everyone to recycle their trees.

Mr. Lawlor reported that Lowell didn't get the DOD project but he wants to praise the commendable effort by our Town Manager and others to help the City of Lowell.

Under Other Business, St. Vartanantz Cultural Pavilion had applied for three one-day All Alcoholic licenses for Dec. 18, Dec. 31 and Jan. 2nd. Vote by Mr. DeFreitas, seconded by Mr. Brem, unan. to amend the Dec. 31st license to read 1:00am, not 12 midnight and let the Church know of the amendment and also that we need completed applications, including hours.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the three licenses.

Mr. Lynch reported on the sale of the North Town Hall, stating that we no longer are asking for a minimum bid of \$75,000 and are ready to go back out for the best possible price. Mr. Lynch said there is nothing in the RFP re a schedule of renovations and asked the Board to call him with other ideas. He went over the Financing plan and said we haven't asked but can ask for the amount of money they plan to invest in the building.

Mr. Brem said that on the proposal page the "proposed price for land and building" should be payable at the closing, not the purchase and sale signing. There also should be more explanation of non-parofit payment in lieu of property taxes.

Mr. Blomgren said that on Page A-2 a bond could be an acceptable instrument.

Mr. Lynch will re-submit the proposal after making BOS corrections and additions.

The Board discussed the minimum bid.

Motion by Mr. DeFreitas to ask for a minimum bid of \$10,000. Mr. Lynch said a feasibility study may show what we should upgrade to make the property more attractive. Lynn Marcella said that the Housing Authority had studies done, including parking and historic values, and she will get the studies for the Board. Mr. Brem commented that the parcel is now in a CD zone and read the uses permitted in that zone.

Mr. Logan recommended going with the RFP that's been presented and added that this building is a true asset that we've done nothing to for 11 years.

Motion by Mr. Lawlor, seconded by Mr. Blomgren, to amend Mr. DeFreitas' motion to call for a minimum bid of \$50,000. Mr. Lynch said that we could go with an auction but can't ask about renovation plans that way.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to include the renovation plan as part of the RFP and to note that the proposal would be rated highly if the exterior structure remained the same. Vote on the motion was 4 in favor, 1 opposed (Mr. Logan). Mr. Lynch said we should get the RFP out by the first of the year and have bids by February 1st.

Under **Renewal of licenses**, Mr. Lynch said that we can't release licenses until all taxes due have been paid. Mr. Logan read the list of Class I and Class II Auto Dealer licenses. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of these licenses subject to payment of taxes.

Under **Contract Awards**, Mr. Lynch said that the Town will start owning, rather than leasing, streetlights, and that Homestead Co. will do an inventory and the conversion process and draw up an RFP for \$18,600. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to support this contract award.

Under **New Business**, Mr. DeFreitas asked if the entertainment advertised at the Meadow Lounge is X-rated, and Mr. Lynch said he will have it checked out.

Mr. Lawlor said we have met with all the Water Districts and he wants the Board to form a consensus as to what we want to do re consolidation. We can discuss this at the Work Session next week.

Mr. Brem gave an **update on Frequency Sources**, stating that he has read that the public involvement process is starting for waiver approval.

Mr. Blomgren said that Tom Moran has asked to have an **Ambulance Study Committee** formed and what is the status. Mr. Lynch said that he has a couple of people in mind but some don't have the time to serve. We need more outreach and he will report back at the second meeting in January. Mr. Lynch had met with reps from the ambulance company and the Fire Chief and they told him that 86% of the runs in Town are under 7 minutes.

Mr. Blomgren asked when Homestead Estates will be getting streetlights and Mr. Lynch said in the Spring.

Mr. Blomgren asked about the challenge to the Billerica BOS re the outcome of the **Thanksgiving Day Football Game**. Mr. Lynch said we sent them an offer and they accepted it, but wanted 4 points. We still beat them, and now the Chelmsford BOS must choose a restaurant.

Mr. Brem said that a **Public Involvement Plan** is being put together by **Frequency Sources** and gave the DEP contact number. He asked that his long range planning process be discussed in the Work Session next meeting.

At 9:10 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting.

For the Board of Selectmen, by

John E. O'Neil

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2:32
Work Session of the Board of Selectmen held Monday, December 21, 1992. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Bernard Lynch, Town Manager, was also present.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the December 7th meeting at the East School.

Under License Renewals, motion by Mr. DeFreitas, seconded by Mr. Lawlor to approve renewal of all nine All Alc. Common Victualer license holders who have paid their taxes. Mr. Lawlor asked if FY93 is considered delinquent and Mr. Logan told him yes, either one or two quarters. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the All Alc. License for The Courthouse, 4 in favor, 1 abstention (WRL).

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the renewal of the All Alc. license for Old MacDonald's, subject to:
1. payment of taxes no later than noon on Dec. 31, with a schedule to be approved by the Town Manager and 2. extension of the approval to be granted month by month. Mr. Blomgren commented that we have not issued licenses in the past unless payment is made. Vote was 3 in favor, 2 abstentions, (WRL and RDeF, both due to conflict of interest).

Motion by Mr. DeFreitas to re-consider the first vote on the nine licenses to vote on CIRO's and Vincenzo's, with Mr. Lawlor and Mr. Logan abstaining. Vote was 3 in favor of renewing these two licenses.

A Public Hearing was held on the renewal of the Class III Auto Dealer's License for North Chelmsford Auto Parts, Sleeper Street. Charles D' Angelo, President, spoke with the Board stating that he has done everything the Board has asked him to. The fence came down during the storm but that's being put back up. Town Counsel James Harrington said that the Conservation Commission has inspected the property and found that substantial work has been done. They required a building, which has been built and is operational. The Commission voted on Dec. 16 to tell the Board that they are OKing the renewal and will re-inspect on April 15th to make sure that all the oil problems have been alleviated. Attorney Geary is also in agreement with the license being renewed through April 15th.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to extend Mr. D' Angelo's Class III license through May 31st, with a future extension pending the Conservation Commission's review on April 15th.

The Board then discussed the Public Hearing to revoke the All Alcoholic Package Goods Store license issued to KAP Liquors, 149 Gorham Street.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas for discussion, to close the Public Hearing continued from October 26th.

Mr. Logan said this is a continuation of the Public Hearing on the revocation of KAP Liquors license.

David J. Fenton, Esquire represented KAP Liquors and Peter Kapala. He summed up the actions so far - they had owned the property at 149 Gorham Street, and Shawmut Bank foreclosed in June. Efforts are being made to sell the liquor license and KAP has filed for renewal for 1993. Shawmut Bank has advertised for the foreclosure sale of Mr. Kapala's personal residence for Jan. 7, 1993.

Mr. Fenton told the Board that his client is asking for renewal of the license with an extension of 3 - 4 months so the license could be sold.

Jacob Sartz, 87 Gorham Street, said that Mr. Kapala has run an ethical business, a credit to the neighborhood. Mr. DeFreitas asked Town Counsel James Harrington if the license can be restricted to any particular location, and he said it can be denied in a location if the area is too saturated with package stores. Mr. Blomgren said it appears there are two assets - the building owned by Shawmut and the license owned by the Kapalas. Attorney Fenton said he is trying to market the license at that location, but will try another location if necessary. He said that the Town won't lose by holding off on the revocation and if they renew the license KAP will find a better market value. Mr. DeFreitas said they are asking the Board to artificially prop up the value of the license, and that Mr. Harrington had said that it's easier to control the transfer of an existing license than a new one.

Mr. Logan then declared the Public Hearing closed.

Mr. Lawlor asked if Mr. Kapala can pay \$1,300 by Dec. 31st and was told Yes. He asked if the license would be issued on the premises and Mr. Harrington said it would be subject to approval or denial by the ABCC, which would take up to 90 days, and the license would have to be granted on a particular premises. Mr. Fenton said that Shawmut Bank will not appeal or intervene as a third party.

Mr. Lynch said he recommends that the Board vote against the revocation of the license in the October 26th continued hearing. Mr. Harrington's recommendation is that the Board take no action on revocation which would be subject to an appeal if revoked. The license will terminate on its own on December 31st.

Mr. Logan said the Board will discuss approval of package goods store licenses.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of licenses for #'s 1, 2, 3, 6 and 7 on the list of package store licenses as prepared by the office.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the Wine Rack license renewal contingent upon very minimal back taxes being paid by December 31st.

Motion by Mr. DeFreitas to extend the KAP Liquors Package Store license on a month to month basis, not to extend beyond March 31st. Mr. Blomgren said that if we renew on a monthly basis it will be to KAP's advantage and Mr. DeFreitas said that we have more control over a transfer location than a new location. Mr. Brem asked how we can issue a license to premises when the licensee has no interest in these premises, and Town Counsel Harrington said we are on shaky ground doing so but he doesn't foresee any fines or liabilities if we renew for 90 days. Mr. Blomgren said he feels we should help small businesses all we can in this economy, without endangering the Town. Mr. Harrington recommended granting the license for 90 days, until March 31st, with a report at the end of every month.

Mr. DeFreitas moved to amend his motion to re-issue the license until March 31st and ask for updates at the end of January, February and March, if necessary, to aid the marketability of the license.

Vote on Mr. DeFreitas' amended motion was 2 in favor (RAB and RDeF), 2 opposed (PVL and JAB). Mr. Logan abstained.

Mr. Blomgren then moved to renew the license from January 1 - January 30 and then examine and renew and extend on a 30-day basis. Mr. Lawlor will second the motion but feels the Board should perhaps not issue this 7th license in these extraordinary times.

Mr. Blomgren moved to put the motion back on the table to reconsider Mr. DeFreitas' motion, to renew to March 31st, with them reporting back monthly.

Mr. Brem amended the motion to ask Attorney Fenton to report back by January 31st with correspondence from the owner of the property (Shawmut Bank) indicating that they are aware of and approve the issuance of this license. Mr. Harrington said it may be impossible to get a letter from the bank but Mr. Fenton should advise them what's happening.

Mr. Brem moved to amend the motion to include that the applicant notify the owner of the property of what is happening and have them send a letter to the Board if opposed. Mr. DeFreitas moved to notify the bank and review the matter every month until March 31st; if we receive a negative letter from the owner, then the license will cease to exist. Vote on the amended motion was 3 in favor, 1 opposed (PVL), 1 abstention (WRL).

Vote on Mr. DeFreitas' original motion was 2 in favor (RAB and RDeF), 2 opposed (JAB and PVL), 1 abstention (WRL). Mr. Brem moved to amend this motion to extend for 45 days, no second. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to grant a one month extension on the license. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Brem, unan. to renew all 3 Beer and Wine Package Store licenses. It was noted that Cedar House should be told to file a new floor plan within the next month to cover renovations found during the Board's inspection.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of all Class I and II Auto Dealer's licenses contingent upon payment of taxes.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant 8 Theatre licenses to Route 3 Cinema contingent upon payment of all taxes and police detail monies owed the Town.

Under All Alcoholic Common Victualer licenses, motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approval renewal contingent upon any taxes owed being paid to the Town. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant the renewal of Billiard Table licenses to Pockets and Country Club Inc.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to grant a Taxi Licenses to Alert Delivery Service and J T Shuttle Service. Mr. Lynch said that John Warren, owner of J T's, has been told by the Building Inspector that his business is not allowed in his residential neighborhood, and was told 45 days ago to file with the Board of Appeals.

Mr. DeFreitas amended his motion to state that J T's license will be renewed contingent upon his complying with the Building Inspector and Board of Appeals. Vote was unan. in favor. Mrs. Lynch will report to the Board on Jan. 4th if Mr. Warren has not started the process.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to renew the two All Alcoholic Innholder's licenses. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the seven Wine and Malt Restaurant licenses subject to all monies owed by the Town being paid. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the two All Alcoholic Restaurant licenses limited to Wine and Beer. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the renewal of the two All Alcoholic Club licenses. Vote was 4 in favor, 1 abstention (WRL).

On the renewal of Common Victualer licenses, motion by Mr. DeFreitas, seconded by Mr. Lawlor, to approve the Common Victualer licenses for Country Club USA and Country Club Too. Vote was 4 in favor, 1 abstention (WRL).

Motion by Mr., DeFreitas, seconded by Mr. Brem, to approve Common Victualer license renewals for the two Dunkin' Donut shops. Vote was 4 in favor, 1 abstention (PVL).

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of the remaining 38 Common Victualer licenses except for the Route 3 Cinema.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the renewal of the Route 3 Cinema license contingent upon Mr. Leo coming to the January 4th meeting.

At 9:10 the Board went into a Work Session.

Mr. Lawlor addressed the Board on the subject of consolidating the three separate water districts in Town, stating that the Talisman Company wrote a report on the subject of Water District Consolidation, comparing Chelmsford to 3 other communities, and noting that there is a duplication of services within the water districts and sewer department. In 1988 a Bennett and Shaw report and in 1975 a Weston & Sampson report both reached the same conclusion as Talisman - that there is duplication of effort and the districts should be combined. Mr. Blomgren said he feels the Water Commissioners should be invited to work with the Board on this.

Mr. Lawlor said that assets are an infinite amount of water, existing infrastructure - pipes, etc., knowledgeable employees - they can keep the best of these people. Mr. Lynch said that with consolidation we would not lose any of this.

Mr. Brem asked will we lose people, or where else is the savings - he feels we need : 1. an engineering analysis; 2. a list of the objectives in consolidation; and 3. the projected consolidated water rate. We need objective facts to give to the Town Meeting reps.

Mr. Lawlor asked where other BOS members stand on this subject.

Mr. DeFreitas said that in the year 2005 the Sewer Commission is to be disbanded and why not make this the target date for consolidation.

Mr. Lynch asked the Board to vote to put an article on the Town Meeting warrant.

Mr. Lawlor said if it doesn't pass at Town Meeting, it won't go to the Legislature, and he wants the Board to vote tonight.

Motion by Mr. Lawlor, seconded by Mr. Brem for discussion, to endorse the consolidation article and support consolidation in general.

Mr. Brem said he wants a sub-committee - he and Mr. Lawlor to sit down with Mr. Lynch and Weston & Sampson to look into an engineering study.

Mr. Blomgren said each Board member should let Mr. Lynch know their lists of fundamental criteria and data and communicate our actions to the Water Commissioners.
Vote on Mr. Lawlor's motion was 4 in favor, 1 opposed (RDeF).

Mr. Brem then discussed his proposal for a Long Range Planning Committee. He said that we as the Board set policy and do long range planning but needs and assessments should be looked at on a town-wide basis. He feels that the Board can't do all this in twice a year work sessions so he wants to form a committee. He said that the Board members are welcome at all sessions of the committee.

Mr. Logan said this sounds similar to the Blueprint 2000 Committee. Mr. Blomgren asked what about doing this planning during our Work Sessions and asking department heads and committees to come in. Mr. Logan said we can add another Work Session each month.

No decision on a forming a Committee was made.

At 10:50 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to Executive Session to discuss Collective Bargaining. Mr. Logan said we will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

John E. Carter

RECEIVED
93 FEB -9 PM 2:32
TOWN CLERK
MARY E. S. CLARK
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, January 4, 1993. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting David Muscovitz, Fifth Street, Lowell, was present, telling the Board that he has written to the Town yearly for the past several years requesting appointment as a Constable for the Town of Chelmsford. He told the Board that he is Constable in most of the surrounding Towns and that under Chapter 41, Section 41A, MGL, the constables are appointed by the Board of Selectmen for terms of up to 3 years. Mr. Muscovitz said that he is continually taking taking refresher courses and is being asked by attorneys to go into Chelmsford. He is aware that his requests for appointment are always sent to the elected Constable.

Mr. Logan told him that the Chelmsford Town Charter states that the elected Constable appoints any new constables with the approval of the Board of Selectmen, and Mr. Lynch said that Home Rule Charter supercedes State law. Mr. Lawlor suggested that Mr Muscovitz could be appointed a Special Process server by the Court, and Mr. Muscovitz said he will check again with elected Constable William Spence.

At 7:10 pm Mr. Logan said the Board will adjourn until 7:30 pm.

Chairman Logan called the meeting to order at 7:30 pm, noting that all members are present.

David M. Leo, Route 3 Cinema manager, was present at the request of the Board to discuss condtions at the theatre. He said that he has paid the personal property taxes and police detail charges necessary to obtain his 1993 licenses.

Mr. Leo told the Board that he has been working at the Cinema for 12 years, the past 6 as Assistant Manager and he became Manager when Michael Palermo retired. He said they have hired a new cleaning contractor and are working closely with Board of Health Director Richard Day.

Mr. Logan told him the Board is concerned about a pay phone, that they want it nearer or on the premises. Mr. Leo said that management doesn't want it in the lobby, that they had tried this before and it became a problem with kids hanging around.

Mr. Lynch asked if there is any possibility of a general sprucing up of the premises and Mr. Leo said they painted the building last summer. Mr. Lynch asked about landscaping in front, and Mr. Leo said the owner is talking about a new fence along Glen Avenue and redoing the parking lot.

The Board will give their suggestions on improvemnets to the Town Manager and Mr. Lynch will draw up a list to send to Mr. Leo.

Under Reports, Mr. DeFreitas said he had received a call from John Warren, who was notified by the Building Inspector that he is illegally operating a taxi business on non-commercial property. Mr. Warren told him that he is in the process of leasing land at the Banquetteer on Littleton Road to keep his three vehicles.

Mr. Lynch said he has the Building Inspector's file stating that a letter was sent to Mr. Warren on November 9 telling him to move the business or go to the Board of Appeals.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to extend Mr. Warren's taxi license until Feb. 28, or until he moves the business, whichever comes first. We will have him come before the Board when his move is completed. Mr. DeFreitas said we don't want to discourage new businesses.

Mr. DeFreitas said that Center Water Commissioner Ronald Wetmore was planning to come before the Board tonight re consolidation, but is ill and will try to come on the 19th. Mr. Lawlor said he has received suggestions on the Water District consolidation and will meet with Mr. Brem and Mr. Lawlor to go over the lists of suggestions.

Mr. Logan reported on the pending traffic lights at Hunt and Littleton Roads, noting that several accidents have occurred over the past two months, and stating that Mass. Electric and the other utility companies are having problems relocating the wires on the present poles.

He complimented the Sun Santa and Toys for Tots for the over 5,000 toys provided to area families at Christmas.

The Town Manager reported that re the Princeton Street bridge he has lobbied with Sen. Hicks, Rep. Cleven and NMCOG to have the project moved up on the State list, and has heard that the bridge will be reconstructed during 1993.

On the Early Retirement bill, the Governor has sent back the Middlesex County bill to the legislature, and it is questionable if it will come to fruition this session. He said that our FY1993 budget is not based on it.

Mr. Lynch reported that tax bills have been sent out and there is a sizeable increase over last year to homeowners. The increase includes the trash override, sewer bond issue, the regular increase within 2 1/2%, etc. Mr. Logan said let's see what kind of a flyer we could put in with tax bills in the future to explain the increase in bills, and Mr. Lynch said he will followup on this issue. Mr. Lawlor explained the abatement process to the residents and told them to look at the change in their property assessment, since the abatement will be based on

that figure. Mr. Brem asked if the December bills could be sent out a couple of weeks earlier in the future so people could pay them in the current year for tax purposes.

Mr. Lynch said that on Monday, January 11, there will be a **League of Women Voters Forum** on Town Meeting at the Senior Center and this will be televised.

Mr. Brem reported that he has met with **Frequency Sources** in their public participation plan and they are getting documentation in the form of interviews. Basic questions are being asked of the Town, School Department and abutters. Mr. Brem told them the Town's top priority is the Byam School, and he referred them to the Conservation Commission and the Board of Health re the effluent. The company has allocated resources for the entire cleanup operation. A report is due to the State this month. They were issued a waiver, which means that they must submit materials to the State but don't have to be approved by the State. Mr. Lynch said that they will be holding a Public Hearing on January 27th.

Under Policies, **Mr. Blomgren** said he is submitting two new policies: 1. Recognition Program for Excellence and 2. Productivity Program. He gave BOS members copies of both and asked them to review these before the next meeting.

Mr. Lawlor has drafted a memo on Pro Service attitude - if a person applies for a Building Permit over a certain amount, a copy of the permit will be sent to the Town Manager's office and we could send them a form letter including the phone numbers of the departments they will have to contact, and try to treat them as professionally as possible. He and Mr. Lynch will get together to draft a form letter for review at the next meeting.

Mr. Lawlor asked the Town Manager to obtain a copy of the most recent census data, since he feels it would be helpful for the BOS to have this and other demographic factors.

Mr. Lynch said he has had a resignation from Mr. Brem on the Cultural Council and he will appoint Charlene Cregan at the next meeting.

Under New Business, **Mr. Blomgren** said he has taken out nomination papers for the Board of Selectmen this week and will be making a statement next week.

At 8:25 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

J. G. E. Carter

RECEIVED
93 FEB -9 PM 2:32
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, January 19, 1993 at Parker School at 6:30 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Logan called the meeting to order at 6:30 p.m.

George Yannakopoulos was present to petition the Board for a change in Manager at CIRO's, Inc., 170 Concord Road. The manager of record was still Vincent Cicerchia, who had been partners with Mr. Yannakopoulos until January, 1991 when Mr. Yannakopoulos bought him out. A background check showed that Mr. Yannakopoulos has no criminal record.

Motion by Mr. DeFreitas, seconded by Mr. Brem, to approve the change in manager at CIRO's. Vote was 3 in favor, 2 abstentions (Mr. Logan and Mr. Lawlor, due to a conflict of interest).

David Cunha, owner and manager of Country Club, Inc. 67 Parkhurst Road, was present to request licenses for four (4) automatic amusement games, two for Country Club USA and two for Country Club Too. Mr. Logan stepped down from this hearing due to a conflict of interest. The applications have been approved by the Police Chief and Building Inspector, as required.

Mr. Lawlor said that he and other Board members have visited the site and found that all requirements of Mr. Cunha's Beer and Wine license have been adhered to. Mr. Cunha said the games will be in direct view of the manager.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve the issuance of these Automatic Amusement device licenses. Vote was 4 in favor, 1 abstention (WRL).

Former Selectman Dennis Ready was present with some members of Boy Scout Troop 75 working on their Citizenship Merit Badge. The boys introduced themselves: Roger Brown, Patrick Nihan, Geoff Jaroc, Marty Peal and Matt Keegan. The boys were given certificates of participation in Town government.

The Board then held a hearing on the revoking of the Underground Storage license held by Larry Harmon at 9 Kidder Road. The Fire Prevention Officer had asked the Board to revoke the license due to non-compliance with Town and Mass. Laws. Mr. Harmon has spoken with Captain Burke and understands that this is a formality, since he no longer has the tanks.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to revoke the license.

John Briggs of the Chelmsford Cross-Town Trail Committee was present and told the Board that the Committee will clear any brush and address abutters' concerns on the trail along the old railroad bed. The trail is part of the Bay Circuit program but the Committee is only addressing Chelmsford. Mr. Briggs said the trail will be of great benefit to the Town - cross country skiing, jogging, walking - and he asked the Board to endorse the use of the trail within the Town so they can go forward to the State. June 5, National Trail Day, is their implementation target.

Mr. Lawlor asked if they are working with the Penacock Trail from Andover to Lowell and was told not now, only Chelmsford.

Mr. Lynch gave the 10-year background of the Bay Circuit Program and said that there are now individual leases on the track. This program will allow residents to go on the track.

Mr. Brem asked about access for emergency vehicles and patrolling for nuisance disturbances. Mr. Briggs said only as existing today, that they have no concerns about the safety hazards to the public, and that in other areas where the public is using the tracks vandalism has gone down. Mr. Blomgren asked if there are any plans to lift the railbed itself and Mr. Briggs said this is a long-term goal. Mr. Blomgren said he wants to see local involvement and he is sure there are many citizens who would be willing to help.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to endorse the project with a report from the Town Manager on satisfactory policing of the premises and fair use to the abutters.

An abutter who was present said this is a nice, beneficial plan and that abutters shouldn't be bothered by it but they need to address abutters' concerns before the trail is opened.

Mr. Briggs said they plan to get the police involved and Mr. Blomgren asked him to meet with leaders of Trail Committees in Bedford and Lexington.

Mr. Logan asked the Town Manager to report back to the Board at a February meeting.

The Board was then addressed by Dr. George Ballweg, Jessie Road resident who had submitted an article for the ATM warrant expressing concern with the proposed AIDS curriculum to be taught in Chelmsford schools. He said they have concern and fear that official decisions are being made on what is acceptable to society without sufficient input. He added that some parents fear School Department encroachment.

Mr. Logan said that the article has been placed on the Town Meeting warrant and Dr. Ballweg said they want it on a Town election ballot. Mr. Lawlor said that the petition is relative to curriculum as dictated by the School Dept. and he would recommend that they seek to get a vote of the School Committee on the petition.

Mr. Logan told Dr. Ballweg to get enough signatures to put the question on the ballot, and that the Board will take it under advisement.

Sandy Donovan spoke with the Board, stating that she has met with Mr. Lynch about having a Food Pantry in Chelmsford. She feels many Chelmsford residents are falling through the cracks, and gave her experiences of being unemployed and hungry. She wants to set up a Chelmsford Community Exchange - she wants to have a nutritionist speak and is holding a seminar in March on how to start a vegetable garden. She said that Mr. Lynch has volunteered space in the Town Hall. She will have families coded and food bags all packed, to let people remain anonymous. On February 11 she is holding an informational meeting, and asked for a Board member to attend a meeting tomorrow with her. Ms. Donovan estimated there are 450 families in Town who would be eligible for these services, and said that 2.6% of the families in Town are under the poverty level of \$21,000 for a family of four. She asked for The Board's official support. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to endorse the program. Mr. Blomgren asked if this is redundant to any other programs, and Mr. Lynch said not within our Town.

Selectman Brem left the meeting.

Under Reports, Sel. DeFreitas passed out an alternative Water District Consolidation proposal and wants the sub-committee to review and consider it.

Mr. Lawlor said that the sub-committee met with Weston & Sampson and learned that a contract with them would not be subject to the 30B bid process. He said they are the logical firm to deal with - they are doing Sewer Dept. work and did a study on consolidation for the Town in 1975.

Mr. Lawlor said he had drafted a letter to go to the 3 water districts and wants a vote of the Board to send it off soon, that we want to work with the district commissioners.

Motion by Mr. Lawlor to authorize the Board to send out his letter drafted Jan. 19, seconded by Mr. Logan.

Mr. DeFreitas said that we never got back to the Water Commissioners as we had said and asked what is the expected response to his letter. Mr. Lawlor said he doesn't want them to say: 1. that they were never asked to have a dialogue with the Board, or 2. that we never asked for their cooperation with the engineering firm.

Mr. Blomgren said the letter suggests that we've already reached a conclusion, and he has heard that the districts are engaging an attorney relative to a hostile takeover. He feels that we need staff work done, not another consultant, that we need to engage the districts in friendly dialogue and to gain the support of the Town Meeting reps. Mr. DeFreitas said he doesn't understand the urgency of the matter, and Mr. Logan said we have done nothing in the past when we have been mandated to do something.

Mr. DeFreitas said the vote on December 21st was not to consolidate but to support the consolidation article and the concept of consolidation generally.

Mr. Lawlor said he will withdraw his motion and come up with something more consistent with what members are saying tonight.

Mr. Blomgren reported he has had calls re sidewalk plowing on Acton Road and Boston Road from Senior Citizens who feel they should be given as much consideration as the school children. Mr. Blomgren also referred to a ruling from Town Counsel on Chapter 50 re the Dept. of Finance which says the Finance Director can be the Treasurer but not the Accountant.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to approve the Voter Registration hours as requested by the Town Clerk.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor for discussion, to approve polling hours for the Annual Town Election from 10 am - 8 pm. Mr. Lawlor feels that 10 am is too late for the polls to open, but Mr. Lynch said it would be \$2-\$3,000 more to open earlier and we have had as good a turnout with the later opening. Vote was 3 in favor, 1 opposed (RAB).

Under Policies, Mr. Lynch passed out a draft policy and all submitted policies will be discussed at the next regular meeting.

Under Appointments, Mr. Lynch said that he has received a resignation from Jeff Brem on the Cultural Council and is appointing Charlene Creegan, 25 Barton Hill Road.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan.

Deputy Constables - a BOS appointment. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the list submitted by Elected Constable William Spence. The name of David Muscovitz was not on the list.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the Town Manager's appointments to the Ambulance Study Committee.

Mr. Lynch reported that we have spent \$210,000 out of \$350,000 in the Snow and Ice Account and are in pretty good shape. The 2 storms have cost \$160,000, and we may go a little over budget this year if we have many more storms.

At 8:00 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to attend the School Committee meeting.

For the Board of Selectmen, by

Julie E. Carter

RECEIVED
93 FEB 23 AM 10:32

Regular meeting of the Board of Selectmen held Monday, February 8, 1993. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Richard Anthony, 8 New Fletcher Street, was present representing the Neighbors for Conscientious Planning. Mr. Anthony said that the group is not against the Cross Town Trail, they think it's excellent for the Town, but their concern is about the stretch of New Fletcher Street that is very isolated and cut off by Rte. 495. The underpass is already used as a hangout, and can't be adequately observed and policed. Mr. Anthony passed out a map showing a possible alternative. They feel that the railbed crossing is very dangerous and a crossing at the lights on Golden Cove Road and Route 110 would be safer for both users and the Town. The neighbors would be glad to work with Mr. Briggs and the Trail Committee, and he had showed Mr. Briggs the alternative route this afternoon. Mr. Lynch said that he had met with the neighbors last Friday and feels that the alternate route using the sewer easement is basically good.

Mr. Lawlor asked why they can't pick up the railbed after New Fletcher Street, that Chelmsford Street is a poor place to bicycle and they will ultimately have to balance safety and privacy issues.

Mr. Brem commended Mr. Anthony for his letter, and said he feels that safety is more important than recreation.

Mr. Blomgren said we should ask Pat Daley and the Police Department to look at the area and the Golden Cove crossing and report back. Mr. Briggs said that the Golden Cove crossing appears to be dangerous and the alternative crossing at Route 110 appears to be viable.

Mr. Logan asked Mr. Lynch and Pat Daley to look into the situation and report back at the Feb. 22 or March 8 meeting.

Henry Emmett, 13 Smokerise Drive, asked about the funding of the trail. Mr. Emmett also told the Board that he had spent an afternoon at Waste Management in New Hampshire since so many people in Town are concerned re the disposition of recycled materials. He was very impressed with their operation and said that they are really recycling and the separation of materials is taking place on site, rather than at curbside.

Chairman Logan called the meeting to order at 7:30 p.m., noting that all members are present.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of December 21, 1992, January 4, 1993 and January 19, 1993 (Regular and Executive).

The Board then heard the petition of Papa Gino's Acquisition Corp., 29 Chelmsford Street, for a change in manager from Bonnie Griskevich to Edward W. Godin III. Mr. Godin told the Board that he has had no prior experience selling liquor but will follow all license regulations. He has worked for Papa Gino's for the past 7 years, in at least ten different locations and works at least 60 hours per week in the Chelmsford store. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to grant the change in manager. Vote was 4 in favor, 1 abstention (Mr. Logan).

Under Board reports, Mr. Logan asked Mr. Lynch the status of Old MacDonald's Restaurant payment of real estate taxes. Mr. Lynch said they are to make a second payment in March. Mr. Logan then said that all the utility poles on Route 110 lean, and Mr. Lynch said they all seem to have too many wires on them and maybe the wires should go underground. He will talk to Mass. Electric about this.

Mr. Logan reported that at the League of Women Voters Forum on Town Meeting, the following matters were to be considered: 1. addition/deletion or precincts; 2. BOS making motions at Town Meeting; and 3. Town Meeting reps who are absent from TM due to illness. Mr. Lynch said he has been addressing these matters with Town Counsel, they are working on the language for items 2 and 3, and all will require Charter changes.

Mr. DeFreitas reported on the Kerry Nickerson Bone Marrow Drive, stating that they need at least 100 people to be tested. He reported that ESP has had limited success with their TV Program.

Mr. Lawlor said he wants to encourage residents to attend BOS meetings or call BOS members with any concerns, comments or problems.

Mr. Brem reported that Frequency Sources had a Public Hearing last Wednesday, that their plans are on file at the Adams Library and they hope to start the clean-up this Spring. Mr. Brem said that praise was given to the DPW for their work on Hart Pond and it appears that the residents are satisfied. Mr. Brem reminded people that Congressman Marty Meehan is hosting a Town Meeting on Wednesday at the Chelmsford Town Offices. He reported that the Long Term Planning Workshop was cancelled but will be re-scheduled. Mr. Brem reported that the Hot Line has been getting more calls lately, both on policy and administration.

At 7:50 p.m. a Public Hearing was held on the revocation of Underground Storage licenses. Fire Prevention Officer Captain Mike Burke had given the Board a list of 20 violators who haven't used their tanks for more than 3 years and haven't paid their license renewal fees. The list of property locations and the most current owner was advertised in the Chelmsford Newsweekly. The State Fire Marshall has ruled that if the tanks have not been used for more than 3 years they should be revoked under Chapter 148, Section 13. Mr. Logan asked if there are any license holders present who wish to speak and no one responded. Captain Burke said that as far as we know most of these tanks have been removed, but pre 1986 not many records were kept on tank removal. They now must be documented. Mr. Blomgren asked to have the necessary action taken by the Fire Department.

Mr. Logan then introduced Benton Burgess, who saved the life of David Kidder on Baptist Pond on Sunday, January 3rd. Mr. Burgess told the Board that Mr. Kidder was trying to pull his son out of the water and fell in himself after getting his son out. Mr. Burgess and members of the CHS hockey team formed a human chain on the ice and pulled Mr. Kidder out. Mr. Logan gave a Certificate of Appreciation to Mr. Kidder and said that certificates will be sent to hockey team members Brian Doak, David Lentine and Mike Caito, who were present at the meeting, and also to Ray Millette, Mark Gill and Brendan Ahern.

Mr. Blomgren reported that at the meeting of January 4 we met with the manager of the Route 3 Cinema and discussed some concerns to him. He has since written a memo outlining areas that he feels should be addressed: shrubs and fencing, litter clean-up, public phones on the premises, two uniformed police officers on Friday and Saturday nights, restrooms need capital improvements, floor covering needs cleaning, seats need renovation, they need more control over the ages going into the theatres, need to look at the male/female staffing situation. Mr. Lynch said the Board of Health is trying to get in to inspect the premises and he has sent a letter to Mr. Leo re aesthetics but has no reply yet.

Mr. Blomgren said that some of these issues are at least ten years old and that the management should listen to our input. He wants the cinemas to be an asset to the Town, and asked Mr. Lynch to send them a copy of his memo.

Judy Mallette, Vice Chairman of the Traffic and Safety Committee and Chairman of the Vinal Square Study Committee, met with the Board and said that in 1991 Vinal Square was listed on the State's list of worst intersections and thus a sub-committee of the Traffic and Safety Committee was formed. She listed the members of the Committee and explained their workings. They used a 1979 NMAC Study and an SEA 1983 Study, and went over police and accident reports since 1988 and a traffic count the week of August 9th. She showed two maps - one the existing intersection in November, 1992 and one showing their recommendations, most of which have to be implemented by the

State. She had presented copies of the sub-committees report to Board members for their review and various recommendstions were discussed.

Mr. Lynch said that all low cost items we will try to do ourselves and get State approval if needed. Ms. Mallette said that each item was voted separately by the sub-committee and then the whole package voted by the Traffic and Safety Committee. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the plan and proceed to implement it. Mr. Logan thanked the committee and asked them to continue to advise the Traffic and Safety Committee.

Ronald Wetmore, spokesman for the three Water Districts, was present to discuss the proposed water consolidation with the Board. Mr. Logan said that on December 21st the Board voted to move towards consolidation of the three districts.

Mr. Wetmore said he has been asked to have the Selectmen cease to try to consolidate, that they feel it is illegal. He said that the Districts were not told that a study was being done and that an article for the TM Warrant was proposed. The Districts feel that this is an attempt to circumvent the Legislative Acts creating the Districts and that this may be considered a hostile takeover. They are also afraid the revenue may be used for other means in the future, under a different Board of Selectmen. The window of opportunity is still open to discuss the matter and try to resolve their differences. He asked the Board to table the matter tonight and take no action at the next Town Meeting and sit down and meet with the Water Districts.

Mr. Logan said that the Board does have an article on the TM Warrant and Mr. Wetmore said that if it is still going before TM they've ruled out discussion. He said that a trust has to be established, that the Water Districts feel this action is not legal and the article should be withdrawn and they they can hold discussions. They've stalled their actions and are asking the Board to do the same.

Mr. Lawlor said that maybe as a Board they're guilty of poor manners, that they did talk with the Districts but didn't get back to them. He said that we as a Board need a lot more factual data before any Town Meeting presentation and suggested a sub-committee with himself, Mr. Brem, Mr. Lynch and two Water Commissioners to work as a fact-finding group.

Mr. Wetmore stated that for 87 years the Water Districts have been very well run and there is no need to go to this Spring's Town Meeting. Mr. Logan reminded him that the Board hasn't voted on the warrant yet. Mr. Lynch said we may table the budget articles until May and that the last day to put an article on the Warrant would be March 10..

Mr. Wetmore said that the Water Districts have a fundamental difference on how consolidation can go forward and don't want to discuss consolidation with the threat that the Board will put an article on the Warrant.

Motion by Mr. DeFreitas, seconded by Mr. Brem, to table any action on this issue being put on this Spring's Town Meeting warrant provided that we start meeting in good faith and with open minds on the issue of water consolidation as a Board with the Water Commissioners.

After discussion, motion by Mr. DeFreitas, seconded by Mr. Brem, to table his previous motion and move to get together and talk immediately with the 3 Water Districts. Vote was 4 in favor, 1 opposed (Mr. Lawlor). Mr. Brem commented that the Board's own sub-committee needs to do some fact finding.

State Rep. Carol Cleven was present and said that neither House Counsel nor Senate Counsel will give a written opinion on the subject. Consolidation could be done by each district voting to abolish, or Town Meeting voting to abolish all 3 districts and then petitioning the legislature. The Town would have to assume the indebtedness of all 3 districts. The Town Manager is to work with the Commissioners to schedule a meeting to discuss consolidation.

Under Town Manager Reports Mr. Lynch said that in the Snow and Ice Account, we have spent \$245,000 and have app. \$100,000 left for the rest of the winter.

Mr. Lynch reported that the FY94 budget will be going to the FinCom within the next week and he will present it to the Board at the February 22nd meeting.

Re the North Town Hall, Mr. Lynch said that an error in the Boston Globe has given us positive publicity, that we have sent out 18 RFP's and bids are due March 5th.

Mr. Lynch announced that there is a vacancy on the Cable 43 Foundation and if anyone is interested to contact him. He reported that the budget basically calls for level services, and reinstituting some services like the West Fire Station. His goal is to maintain level taxation, under 2 1/2%.

Under Other Business, St. Vartanantz has applied for a one-day All Alcoholic license for March 20th. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

The KAP liquor license was discussed. Attorney Kevin Murphy was present, representing Atty. David Fenton and Peter Kapala. Mr. Logan said that the All Alcoholic Package Goods Store license is out there without a location to operate. Mr. Lynch said that Town Counsel has said that the Board doesn't have to do anything tonight. Mr. Murphy said that the licensee has been negotiating to sell his assets including the license and is now asking for an additional 60 days before the Board revokes his license. Mr. Logan said that the license is extended until February 28th and the Board will be discussing the matter on Feb. 22nd. Mr. Murphy then said that the Kapalas have filed for bankruptcy and administratively the Board can't do anything re the license. They will be at the meeting on Feb. 22nd.

The Board then discussed policies previously presented. Mr. Blomgren had introduced two policies at the last meeting: Recognition Program for Excellence and Productivity Program. This second program would recognize values and create a partnership between employees, taxpayers and the business community. The Town Manager has recommendations and has put his ideas into a policy statement. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to adopt the Town Manager's policy statement on the Productivity Program.

On the Recognition Program for Excellence Policy this would involve working jointly with the School Committee to recognize groups that they want honored, not just athletes. Mr. Brem said he feel this is an excellent idea that has been started, not completed and we need a complete policy to vote on. Motion by Mr. Blomgren, seconded by Mr. Brem, unan. to give the essence of the policy to the Town Manager and ask him to come back with an implementation plan by the end of March.

Under Appointments, Mr. Lynch said he has appointed David Beaton, 15 Erlin Road, to the Emergency Management Committee. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this appointment.

Mr. Lynch said he has appointed Laurie Jenkins, Sandra Drive, to to the Commission on Disabilities to replace Terry Eldridge. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this appointment.

Mr. Lynch said that Judy Dunigan has proposed and he would appoint: Rev. Gary Cornell, Janet Dubner, Judy Dunigan R.N., Brian Finnegan, John Hughes M.D., Robert Hughes, Ann King R.N., Judy Mallette, Donna Piccard R.N., Francis X. Roark and Michael Sargent DDS. to the Community AIDS Task Force Committee. Mr. Lynch said this is not to duplicate the School Committee Task Force but to build upon it on a town-wide level, to make more people aware. Mr. Brem asked for a copy of their mission statement.

Under Contract Awards, Mr. Lynch said he has spoken with several consulting groups on the issue of water consolidation - Camp, Dresser & McKee, Metcalf and Eddy, Whitman and Howard. Weston and Sampson didn't do a proposal. He is awarding the bid for the study to Camp, Dresser & McKee in the amount of \$8,900. They will look at institutional issues and the report will be done by the middle of March. They can be invited to a meeting of the Board and the Water Commissioners.

Motion by Mr. Lawlor, seconded by Mr. Blomgren, to approve. Mr. Blomgren said we should communicate immediately with the Water Commissioners telling them what we're doing. Vote was 4 in favor, 1 abstention (Mr. Brem).

Under New Business, motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to hold a Public Hearing on the Cross Town Trail on March 8th.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to hold a Candidate's Night and invite each candidate for the BOS to attend and speak for 5 minutes. Vote was 4 in favor, 1 abstention (Mr. Blomgren).

Mr. Logan reminded everyone that the Board will be meeting at the Byam School on February 22nd.

At 10:05 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn to Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr. Blomgren-Aye; Mr. Logan-Aye. Chairman Logan said the Board will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

Ido E. Carter

twinn clerk

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WILLIAM E. ST. HILA
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, February 22, 1993 at 7:00 p.m. at the Byam School. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Jim Lloyd, 7 Piccadilly Circle, was present complaining about the way snow is plowed on this cul-de-sac. He said he has lived there for 14 years and has always had problems with the plowing - they put all the snow from the cul-de-sac into his yard. He paid to have his driveway plowed during the last storm and the Town then plowed 12 feet of snow in front of his mailbox. He feels that cul-de-sacs are being plowed very inefficiently and there is no excuse for the way we're plowing now. Mr. Logan asked the Town Manager to address this issue.

Mr. Lynch said that he had looked at the area in December and had pictures taken last Thursday. He said that on Piccadilly Circle there is 9000 square feet on the cul-de-sac which makes too much snow to put in the middle. It is not feasible to remove the snow, as there are 200 cul-de-sacs in Town. The problem is too much snow and Mr. Lloyd's location at the end of the cul-de-sac.

Henry Emmett, 13 Smokerise Drive addressed the Board asking about the "Open Session" and how it worked. He was told that during this half-hour anyone can come in and talk about anything with the Board. It is not as formal as regular session and being on the agenda.

Chairman Logan called the meeting to order at 7:30 p.m. and welcomed all to the Byam School.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the February 8th meeting, both Regular and Executive Sessions.

A Public Hearing was held on the transfer of a Retail Wine and Malt Beverages Package Store license at 65 Middlesex Street from McMahon's Chelms. Inc. to Kishor Patel. Mr. Patel said he has had no experience serving or selling liquor but has run a motel and ice cream store.

No one present wished to speak in favor of or opposition to this application for transfer.

Mr. DeFreitas said that when the Board has inspected the last two years they have found the place a mess. Mr. Patel said he plans to clean it up. Mr. Lawlor asked if he has had no experience selling beer and wine how will he not sell to minors and Mr. Patel said he will check ID's. He will also be selling dairy products and basic food stuffs. Mr. Lawlor asked Mr. McMahon if he is "listed" with the ABCC (as not paying or being late with

bills to distributors) and Mr. McMahon said Yes. Mr. Lawlor said the license will have to be approved subject to the listing, and asked if he is current with taxes. Mr. McMahon said Yes, as far as he knows. Mr. Lawlor also said that during the inspection he found some cause for concern and asked if Mr. Patel has taken a TIPS course. He said he is getting information on it. Mr. Patel said that the transfer is self-financed, and that he is planning to be the only employee, working 98 hours per week. After discussion he said he will try to hire some part-time help. Mr. McMahon asked if the transfer could be approved tonight but Mr. Logan told him that the Board has a two-week waiting period on voting on licenses. Mr. DeFreitas said that he wants to see more definite plans for a TIPS course and a business plan for a store clean-up. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table the matter for 2 weeks and give the petitioner a chance to come back with more information.

The Board then met with Jim Gervais to discuss the transfer of the Class II Auto Dealer's license at 113 Tyngsboro Road from Williamsburg Motors to Jim Gervais Sales. The Board had received a favorable recommendation from the Police Chief and a copy of Mr. Gervais' rental agreement.

Mr. Gervais told the Board that nothing will really change - he will stick with the 21 car maximum, the lot is well-lighted and has proper signage. He has been self-employed as a used car dealer for 6 years. Mr. DeFreitas asked if he will service cars and was told No. His current hours are from 9am to 6 pm Monday through Friday and Saturdays from 10 am - 3 pm. He showed the Board a rough plot plan. Mr. Lawlor asked if he has any plans to upgrade the facility and Mr. Gervais said no, that it is newly paved, fairly new office building and good lighting and landscaping. Mr. Gervais presently has a license to sell used cars in Groton.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor for discussion, to transfer the license with the 21 vehicle restriction. Mr. Lawlor asked to amend the motion to include the clause that there be no bare bulb lighting or streamers over the vehicles. Vote on the amendment was 1 in favor (Mr. Lawlor), 4 opposed. Mr. DeFreitas said we shouldn't tie the hands of used car dealers.

Vote on Mr. DeFreitas' motion to grant the transfer was unanimous in favor.

A Public Hearing was held on the application of Chelmsford Hotel Corporation for the transfer of the All ALcoholic Innholders's license, pledge of stock and a change in manager for the Radisson Heritage Hotel, 10 Independence Drive.

Attorney Burton Peltz represented the petitioners, stating that his client bought the property for \$6 mil. He introduced Jack Collins, the proposed new manager, who has had 25 years in the hotel industry and was a VP of the Sheraton Corp. and has now been 12 months with his own company. Mr. Peltz said that there will be no changes to the property but then said they are requesting to cordon off part of the parking lot to serve food and alcohol on occasion.

Mr. Logan asked if anyone present wishes to speak for or against this petition and Henry Finneral, 86 Chelmsford Street, said that as an abutter he wasn't notified and thought he should have been. The Town Manager said that according to the ABCC matrix abutters did not have to be notified, although the hearing was advertised. Mr. Finneral said the hotel is 3 months in arrears on rent on the land they are renting from him for parking.

Town Counsel James Harrington said that he is familiar with that lease agreement. Mr. Peltz said that the lease was not part of the purchase, it was specifically excluded and the Planning Board has said that this land is no longer needed for parking requirements. Mr. Finneral said that this information was never given to him, and that it was a 20 year lease.

Mr. Harrington said that the plan was approved with the construction of a parking garage and to get the garage requirement waived they showed the lease to the Planning Board. Mr. Finneral said the money is owed him by H & H Limited Partnership. Mr. Harrington will bring the matter up with the Planning Board on Wednesday night and have them and the Building Inspector review their files.

Mr. Peltz noted Attorney Joseph B. Shanahan, Jr. in the audience and asked him to speak, as he is very familiar with this case. Mr. Shanahan said he had served as counsel for H & H Limited Partnership, and that Emile Dumont and the banks had put an addition on the building and leased the Finneral land to meet the parking requirements. Mr. Collins did not want any part of the lease. Since the site has tied into Town sewerage H & H redesigned the site plan to put parking on the site of the former sewage treatment plant and leeching fields and added 54 parking spaces. The revised Site Plan was approved by the Planning Board. Mr. Brem asked if the 54 parking spaces been constructed and Mr. Shanahan said No, they were given a waiver by the Planning Board.

Mr. Finneral said he wants to go on record that H & H Limited is 3 months in arrears on the rental of his property. Motion by Mr. Blomgren, seconded by Mr. Brem, unan. that Mr. Harrington check with the Planning Board and report to Mr. Lynch. No one else wished to speak in favor or opposition.

Mr. DeFreitas questioned the use of the parking lot and Mr. Collins said it would be used very seldom. They are asking for a flexible arrangement, to be able to put up a tent and serve

liquor if the occasion arose. Mr. Lawlor asked about Wedge Hotels and Mr. Collins said they are holding the mortgage. Mr. Brem asked if they are planning to make improvements and finish the landscaping and Mr. Collins said Yes, that they are looking into improvements both inside and out, and want to continue to upgrade the hotel.

Mr. Brem asked Mr. Collins for a letter giving more details on how to secure the parking lot area if they are using it.

Mr. Logan said the Board is not ready to vote tonight.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table until the next meeting and review correspondence from Town Counsel and the applicant.

Mr. Brem stepped down from the next hearing.

Attorney Shanahan then addressed the Board, stating that Charles and Marie Duncklee own 28 acres on Graniteville Road and that Granite Hill Farms Corp. wants to purchase 22 acres. The property has been designated as Agricultural property under CH 61A and before it can be sold and converted to residential zoning the Board of Selectmen must be notified and given the right of first refusal. The price is \$1 million for 22 acres and the BOS has 120 days from the time of notification to decide. He said that the Finnegan and Katz families make up Granite Hill Farms Corp.

Mr. Lynch said the Town is not in a position to spend \$1 mil, and Mr. DeFreitas moved to waive the right of first refusal.

Mr. Lawlor asked if the School Committee had discussed this and Judy Mallette, present in the audience, said No, they haven't looked at it but could be interested. Mr. Lynch said they should look at it, but there is also some vacant Town-owned land.

Mr. Shanahan said that 1/2 the site, or 12 1/2 acres, will be Open Space but only for the use of those residents who live in the development.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, to table this vote until the next meeting and run it by the School Committee. Vote was 3 in favor, 1 abstention (WRL) 1 not voting (JAB).

Town Manager Bernard Lynch then presented his FY94 budget. Mr. Lynch said he has already presented the budget to the Finance Committee, and that we are putting money back into services, with no increase in fees and a minor increase in property taxes. Local tax revenue shows an increase of 2.6%, including new properties coming on line by June 30. The average tax increase will be 2 - 2 1/2%, using new properties and sewer betterments. State Aid shows a 7% decrease and the lottery will be capped this year, with additional money going to State funds, not the cities and towns. Mr. Lynch said that we are not tapping the Stabilization fund this year. Sewer Betterments have gone down to \$1 mil. from 1.3 mil to be used in the FY94 budget. There is an increase in User

Fee Offsets, which pays for the Sewer Division and Duck Island payments. Free Cash has been reduced from \$497,000 to \$167,000. Unexpended bond proceeds go to the Capital Budget. Miscellaneous receipts are about like last year and there is a decrease in total revenue from \$49,225,521 to \$48,861,650.

Mr. Logan asked what is the state of our fiscal responsibility and Mr. Lynch told him good, that we haven't had to close a library and will be bringing back the West Fire Station. There is a 4% increase in the education budget, since education is a priority in the Town of Chelmsford.

Mr. Lynch then went over expenses, noting that municipal administration shows a 1 1/2% increase, Public Safety 4.6%, DPW 3% for additional flow to Duck Island; Community Service - a 3.5% increase for the library to maintain accreditation. During 93-94 we will add a total of 10 people, and there will be a summary statement available at the next meeting.

The insurance budget is up 5% because of the rising cost of health insurance and the fact that we have 70 more people enrolled in the Town insurance program.

Debt and interest shows a 15% decrease.

Mr. Lynch said that the budget is a positive picture for the Town and Chelmsford is a stable community.

Mr. Logan said that the Board would like to review the budget and call the Town Manager with specific questions and we will discuss it at our March 8th meeting.

Mr. Lynch said that the 1992 tax increase was due to the trash override, sewer bonds and a small shift from residential to commercial. He added that the Town Meeting reps will get their copies of the budget in April and he gave the Board copies of the Capital Planning budget.

Mr. Lynch then presented the articles on the Warrant for the Spring 1993 Town Meeting and went over each one briefly:

1. hear reports
2. compensating balance agreement
3. transfer sum from sale of lots and graves to Cemetery Dept.
4. late bills - none expected
5. Nashoba EEOG Grant
6. Sewer betterment
7. Budget
8. Senior Citizen real estate tax program - amount cut in half
9. Reserve Fund - \$150,000
10. capital budget
11. sand lease - standard
12. audit
13. early retirement
14. Fire Dept. change in Civil Service law re seniority
15. sewer easements

16. Charter Change - ill Town Meeting member - attendance
17. " " - any elected official can make a motion
- 18.&
19. Sale of Town-owned land on Mallory Street
20. Accept MGL CH 44, Recreation revolving funds
21. Free Cash
22. Petition - trapping
23. " - AIDS curriculum
24. Sale of Tate painting
25. Enable Library to purchase "Pink House"

The Board then discussed the KAP liquor license under Other Business.

Mr. Logan said that their license expires on February 28th. Peter Kapala, current license holder, spoke, thanking the Board for the actions they have taken and saying that he wanted to straighten out a misunderstanding. He said that on December 21st he had requested a 90 day extension of their license, Mr. DeFreitas moved for a 60 day ext. and a 30 day extension was finally voted. Mr. Kapala filed for Ch. 13 bankruptcy to protect the license, his only asset, on February 2nd. He is now actively marketing the license which has a value of \$90,000. Mr. Lawlor noted that the Town didn't get a notice of the bankruptcy filing. Mr. Logan asked Town Counsel for his recommendation and Mr. Harrington said that the BOS should take no further action in extending the license and should let it expire. He said that we have done everything we can do to help Mr. Kapala and we now have to protect the Town. Mr. Lynch said he concurs with Town Counsel.

Under Reports, Mr. Lynch reported on snowplowing for the season, noting that to date we have exhausted the Snow and Ice Account that the storm last night used the last \$40,000 in the account. He said that in FY93 we have had 60" of snow so far, or 25% above normal, and only spent \$350,000 while in FY90 we had 54" of snow and spent \$600,000. He said that DPW practices have led to our ability to control these costs, and added that substantially less salt is being used.

He said that the major complaints are: 1. people want their plowed-in driveways re-plowed, which is impossible to do all over Town; 2. plows on bare roads - it may look like they are plowing a bare road but actually app. 1/4 of the plow blade is pushing snow back to increase the amount of road width, to make room for more snow and to open up the catch basins; and 3. sand and salt - why do we sand for one small area - because once we've been notified of a hazardous situation we have to take care of it or the Town could be liable.

Mr. Lynch praised the efforts of the DPW, Highway Dept. employees and contractors.

Mr. Brem reported that he had gone to the Highway garage during the last storm, that the men were overworked with plowing, that they have been shovelling out catch basins and he praised them for their efforts.

Mr. Brem reported that at the January 4th meeting when we voted to hire a consultant on water consolidation, we did so because we need to know facts and not necessarily because we intend to consolidate.

Mr. Brem added that we have received calls on the Select line on water consolidation, both pro and con.

Mr. Logan reported that the Long Term Planning session will take place on March 22nd.

He asked the Town Manager to put an insert in the next tax bill mailing explaining the increase in taxes and what it is due to.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to instruct the Town Manager to do so if the Dept. of Revenue says OK.

Mr. Logan said that the Board is meeting tomorrow night with the Commissioners of all three Water Districts, and that we have received a petition signed by 250 residents against spending money for a water consolidation study.

Mr. Logan then read a statement re the Town Manager's salary increase, noting that the Board talked about his performance and accomplishments and his relationships and communications with the Board, Department heads, Town employees and residents. This was done in Executive Session, as anyone would want their evaluation done. The Board has never done such a comprehensive evaluation, including an MMA salary and benefit summary survey of surrounding towns. He stated that we're a pro-active Board.

Mr. Logan announced that he will be available Feb. 23rd at 7:00 pm and March 1st at 6:00 pm to answer any questions on the Manager's evaluation.

He asked for a report on the sale of the North Town Hall and Mr. Lynch said we have sent out 18 RFP's, that proposals are due on March 5th and he will report to the Board on March 8th.

At 10:45 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Costa

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Regular meeting of the Board of Selectmen held Monday, March 8, 1993. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Henry Emmet, 13 Smokerise Drive, addressed the Board on the subject of the 22 acre parcel on Graniteville Road that the Duncklees are selling to the Graniteville Farms Corp. The property has been considered Agricultural Property under Chapter 61A so the Town has first refusal to purchase it. Mr. Emmet is concerned that the Town is deciding too quickly to waive their right of first refusal since they are allowed up to 120 days, and feels the School Department should be allowed to consider the purchase of the property.

Attorney Joseph B. Shanahan, Jr. was present and asked to respond to Mr. Emmet and clarify the record. He is appearing on behalf of the property owners Marie and Charles Duncklee, and if he felt that there is a reasonable likelihood that the Town could buy the property he would wait the 120 day statutory period, which is not mandatory. The Purchase and Sale is based on contingencies and local approval processes. The Duncklees are not objecting if there is a reasonable likelihood that the Town might want the property. His concern is with the School Committee and he did not like the article in the local newspaper on Saturday. He cited two occasions when the School Dept. has bought properties to build new schools and the building never took place. His clients don't feel there is a reasonable likelihood that the School Dept. will purchase the property.

Mr. Emmet responded saying that he doesn't think the BOS can make this decision on behalf of the Townspeople and doesn't think that Atty. Shanahan has the right to presume that someone can't raise the money. They will have to negotiate with the Conservation Commission and Planning Board since there is a lot of Wetlands on the parcel. He thinks the developer is practicing poor planning, they should have presented the plans in November so they could start development this Spring.

Chairman Logan called a 10 minute recess at 7:20 p.m.

Chairman Logan called the meeting to order at 7:30 p.m.

Proclamations: Mr. DeFreitas read the Proclamation for Girl Scout Week March 7 - 13, and presented it to the Brownie and Girl Scout who were present.

Mr. DeFreitas read the Proclamation for Scholarship Fund Month, March 1993, and presented it to Mary Lou O'Reilly, Jean McLachlan and Marian Currier, Scholarship Board members.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the minutes of the February 22nd meeting.

Mr. Logan then told how Candidates Night for BOS Candidates began, and asked Mr. Robert Joyce to speak first.

Mr. Joyce gave his background, both personal and professional, and said that his concerns are long-range planning, public safety, water district consolidation and expansion of the library.

Board member Roger Blomgren then spoke, stating that he is completing his third term on the Board and gave his background and accomplishments. He said that he has a link with the past and vision for the future.

Under Other Business motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to issue a 1-day All Alcoholic license to St. John's Church for March 21st.

The Board then held a Dog Hearing regarding the 2 dogs owned by Stephen Tingley, 15 Brick Kiln Road. The hearing was requested by Isabelle Gonsalves, Biltmore Avenue. Chairman Logan asked all those who were to testify to be sworn in.

Ms. Gonsalves spoke first, stating that the Tingleys moved in in November and their two dogs run loose. The Dog Officer has been there and they have had warnings, but the dogs jumped the fence onto her property and run loose in the field. She is in constant fear, and can't sleep. She wants the dogs removed from Town since they are not obeying the leash law.

Mr. Tingley then spoke, saying that it is his understanding under the leash law that dogs don't have to be restrained if they are on their own property. He or his wife is always with the dogs when they are out and added that the German Shepard couldn't jump the fence because he has no strength in his back legs. He said that they never leave the dogs loose.

Dog Officer Frank Warren said that he has been to the Brick Kiln Road house and has never seen the dogs loose. He has not been in the late afternoon due to his working hours and Ms. Gonsalves said this is when they tend to be loose. He has been called 5 - 6 times since November but has never seen the dogs. The field where Ms. Gonsalves has seen the dogs is part of the property that the Tingleys are renting and the Dog Officer feels that under the leash law they only have to be leashed if not on their own property.

Ms. Gonsalves again said when they are loose she is afraid they will bite her. Mr. Tingley showed photos of the dogs playing with children and said they have no history of bad temperament or attacking.

Ms. Mary Lou O'Reilly said she has been to the Tingleys home and the dogs, although large, are very gentle and affectionate with children.

Guy Faretta, owner of the Brick Kiln Road property, said he lives next door and has no problem with the dogs - his children play with them. He added that the problem is the fear of dogs that the Misses Gonsalves appear to have.

Ms. Gabrielle Gonsalves said they barked for 2 hours straight one day.

Mr. Tingley said he thought the Board must have several complaints, not just one, to call a hearing like this and Sel. Brem said that the Board is required to hold a hearing if requested.

Mr. Blomgren said he thinks that the barking is the only true complaint although he can understand their fear.

Chairman Logan ended the hearing by stating that the Board will send a copy of the leash law to each party, that we will ask for a report from the Dog Officer every two weeks, that we hope the parties involved will get together and that the Board will take the matter under advisement since the Tingleys are now obeying the leash law.

A Public Hearing was held on the Cross Town Trail. Chairman Logan opened the hearing and asked for a spokesman from each group.

Jack Briggs, Cross-town Trail Committee, submitted a written report and told the Board that they are having public meetings monthly. He said that they have met with the residents of New Fletcher Street and worked out a viable, acceptable solution for their concerns. The issue now is concerns of the Hart Pond residents, and a question of privacy since the trail closely abuts their property. The Committee thinks that the trail will be used by families mostly mornings and evenings and having people on the Trail could result in less vandalism. There shouldn't be much noise since no motorized vehicles are allowed and there should be no loss of property value - it actually could be beneficial to have a recreation trail so close. Mr. Briggs said that the Committee is looking at designated parking areas and will issue a "Rules of Trail Etiquette". Other towns have successful trail programs and they want a positive program for Chelmsford and will be glad to work with abutters.

John Ferri, 10 New Fletcher Street, said that his neighborhood worked with the committee and reached an agreement on an alternate solution and asked Mr. Briggs to listen to the Hart Pond group.

Amba Coltman, Westview Avenue was the spokesman for Hart Pond residents who have concerns, saying that the railroad abuts the property closely, that there is no access from Rte. 27 and residents have lots of concerns about privacy and safety and want to see the re-routing of the trail around the residences.

Noel Bolger, 46 Westview Avenue, said there are 17 people on his street who enjoy the quietness and they foresee problems with a lot of people with bikes and mopeds. He also said there are two

grade crossings and that there are safety and liability problems. Bob Coltman, 14 Westview Avenue, said that there is the possibility of uninvited users, that people don't pay attention to signage and there will be a problem in the future if the rail ties are taken up and the trail is paved.

Nina Lewin, Boyd's Lane, said that the Trail Committee has good intentions and that we want to see concrete plans for safety and liability.

Tom Christiano, 6 Drew Circle and Trail Committee member, noted that Lincoln and Andover both have great trails but he understands what the abutters are saying and the Committee will do whatever they can to re-route the trail in that area.

Marla Pond, 475 Acton Road, said the trail goes through her front yard and she doesn't want it.

Ms. Coltman said the biggest concern is safety, not privacy, and Robert Corliss, Lakeside Avenue, noted that it isn't fair to people who pay taxes and aren't year-round residents.

Catherine Brown, 180 High St. and Committee member, said that she wants to see safe places to walk and abutters in South Chelmsford are concerned because they weren't notified. The Trail Committee will continue to work with the abutters.

Stuart Sargent, 15 Kensington Drive, Committee member and Boy Scout Committee member, said that the maintenance of the trail is a good Scout project and that they could put planking on the trestles and guardrails.

Russell Robinson, 14 Lakeside Avenue, said that not everyone in the Hart Pond area is opposed to the trail, that we shouldn't borrow trouble and over react, and that the alternate route means crossing Route 27 twice.

Chairman Logan closed the Public Hearing at 9:10 p.m.

Mr. DeFreitas asked Mr. Briggs about the makeup of the Committee, and he said that one abutter is on it, that the Trail will be divided into five sections, with a contact person for each section, and that volunteer groups from the community and scouts will police the trail. Mr. DeFreitas recommended that all concerned meet with the committee.

Town Manager Lynch said that the concept goes back to 1983, and that the original plans called for a paved bike path but the state never put up the money.

Mr. Briggs said they will form a sub-committee to work with the Hart Pond group. Mr. Blomgren noted that the uniqueness of that area is the density of the area.

Mr. Logan said that the Board endorses the concept of the Trail and wants to see the 3 groups sit down and compromise and work out solutions.

Attorney Joseph B. Shanahan, Jr. then addressed the Board on the Graniteville Road property. Selectman Brem stepped down and Sel. Logan did not participate in the discussion or vote.

Mr. Shanahan said that Mr. Lynch had asked for copies of the Purchase and Sale agreement which has been given to Board members.

Mr. DeFreitas said that the School Dept. budget is about \$1 mil. less than asked for and the Education Reform bill, if passed, will call for \$370,000 more, and if we purchased the land, where would the money come from. Mr. Lynch said that we could do a debt exemption or work it into the capital budget, over a 10 year period it would cost \$100,000 - \$150,000 per year. Mr. Shanahan said that the P&S Agreement includes an installment payment plan and is contingent upon certain approvals from the Town.

Mr. Lynch said that there is some vacant buildable land at McCarthy and on other school properties.

Mr. Lawlor said he would love to see the property owned by the Town but we can't afford it or justify it for the School Comm. Our best bet is to re-acquire the Center School.

Mr. Blomgren said we have two options - to act as a Board or to take the matter to Town Meeting on April 26 - there is no way from a financial or practicality standpoint. Mr. DeFreitas said that the Town is in great shape financially, relative to other Towns.

Mr. Lawlor said that if we tried to bond for construction of a school we might not get reimbursement if we have other land available.

Motion by Mr. Lawlor, seconded by Mr. Blomgren, that we waive the right of first refusal under Chapter 61A and the notice given to us by Attorney Shanahan on February 8, 1993. Vote was 3 in favor, 2 abstentions (JAB and WRL).

Mr. Shanahan promised on behalf of the Duncklees and the potential developer that there would be no unsavory use of the land, that the proposed cluster development ties in with the Town's Master Plan, with one-half remaining Open Space.

The Board then discussed the transfer of the Beer & Wine Retail Store license at 65 Middlesex Street. Mr. Logan noted that we have received a letter from Mr. Patel outlining his plans for the store and the TIPS program, and reports from the Board of Health and the Building Inspector that there are no code violations.

Mr. Logan asked Mr. Patel what is he doing for spring cleaning and he said he is installing new shelving and performing a general clean-up. He added that he is trying to build up the variety store end of the business, with more emphasis on dairy products and less on selling beer and wine. Dan McMahon said it has been a 50/50 split money-wise.

Mr. Patel said he is currently enrolled in a TIPS course and his assistant is also taking the course.

Mr. Lawlor told him that the Board has two areas of concern - his lack of experience in the sale of alcoholic beverages and the conditions of the store and Mr. Brem told him that the Board will visit the store at least once a year.

Motion by M. DeFreitas, seconded by Mr. Lawlor, unan. to approve the transfer of the license to Mr. Patel contingent upon approval from the A.B.C.C. and upon Mr. Patel's successful completion of the TIPS course within 90 days of the A.B.C.C. approval. The hours to sell Beer and Wine are 8 am - 10 pm Weekdays, 8 am - 11 pm Saturdays and 12 noon - 8 pm Sundays. Mr. Logan said he should consider separating the beer and wine from the convenience items in the future.

The transfer of license, pledge of license and change in manager at the Radisson Heritage Hotel from H.H. Limited Partnership to Chelmsford Hotel Corporation was discussed. A letter had been received asking to have request for service in a portion of the parking lot removed from the application.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, to transfer the existing license, pledge the license and change the manager from James Dina to Jack Collins. Vote was 4 in favor, 1 abstention (Mr. Logan).

Under the discussion of Warrant Articles, Mr. Lynch said the list is basically the same as discussed at the last meeting, with the addition of three articles: #26 - school property transfer; #27 - allowing FinCom to issue the warrant book only 7 days prior to the start of ATM, not 14; #28 - Conservation Commission request to take \$2500 for Reservation Management from the Fees for Wetlands Protection Act Fund.

The MMA has asked the Towns to urge their legislators to support the MMA's legislation re 1: Gas tax revenue sharing act and local roads fund - the 15% gas tax allocated to cities and towns this year has been cut to 7 1/2%. 2. Lottery Aid - the State has capped the amount of money from the Lottery coming back to the cities and towns. The article says the State could retain \$75 mil and send the \$47 mil back. Next year there is no cap - it would all go to municipalities.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept all the articles on the draft warrant and the MMA additions.

Mr. Logan asked the press to note that the dates for Town Meeting are April 26, 29, May 3 and May 6, if needed at McCarthy Gym at 7:30 p.m.

The Education Reform bill was discussed, with Mr. Logan stating that it is more bad than good for Chelmsford, that the State thinks we need to spend more per pupil.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan., to send a resolution to Rep. Cleven and Sen. ~~Amick~~ ^{Wick} stating that education reform shouldn't bankrupt communities and expressing our disapproval of the current bill.

Mr. DeFreitas commented that using the adjusted per capita figure we're below the state average and will be penalized. Over the next few years we will have to spend \$13.8 mil to get \$17.9 mil. Mr. Blomgren said we need to get the most recent, accurate information and Mr. Lynch said he and Dr. Moser will be sitting

down with Rep. Carol Cleven to go over the numbers. The state is requiring communities to spend money to get State Aid, and all communities have serious concerns - it is not a good bill. Mr. Logan said that the Town now spends 60% of our budget on education and the State spends only 42%.

Under Policies Mr. Brem said we need a policy on Open Space - hopefully the Long Range Planning Committee will come up with policies.

Mr DeFreitas reported that the LWV and Library Trustee will sponsor a forum - Chelmsford Public Library: Vision for the Future - at 7:30 p.m. March 25th at the Senior Center.

Mr. Lawlor reported that the Kerry Nickerson Fund Raising is receiving outstanding community support and the Board is asking residents to support the Cannister Drive on March 20th. Mr. Logan said that the Board supports all fund raising efforts and the Bone Marrow Match Drive.

Mr. Lynch reported that we have spent app. \$400,000 so far on Snow and Ice removal, we are over budget and that our budget was set for a light winter while we have had a hard winter. He reported that Old MacDonald's Chicken Farm has filed for bankruptcy and they were due to pay their back taxes in March. He will work out a payment plan with them. On the North Town Hall, he reported that we sent out 18 RFP's but no bids were received. Concerns seem to be the assessed value and the lack of parking. He will report more at the next meeting.

Under Appointments, Mr. Lynch said he has appointed Donald Blaikie to the Emergency Management Agency. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

Under Contract Awards Mr. Lynch said he has awarded the printing of the annual Town Report to the low bidder Picken Printing at \$41.40 per page. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan., to approve. Mr. Lynch said he has awarded the appraisal of 10 Bartlett Street to Brian Finnegan, A. Zabbo Company for \$1500.00. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve. Mr. Lawlor said he should consider 3 approaches under the American Disabilities Act.

Under New Business, Mr. Brem asked about the run-down abandoned buildings on the left-hand side of Drum Hill Road, and Mr. Lynch said they have a permit for demolition.

At 10:40 p.m. motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve.

For the Board of Selectmen, by

Julio E. Carter

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93 APR 21 PM 2:55

Regular meeting/Work Session of the Board of Selectmen held Monday, March 22, 1993. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Logan called the meeting to order at 7:25 p.m.

Under Other Business, Mr. Logan said that under N.M.C.O.G. we're classified into the Lowell Statistical Area. Washington wants to classify us with Boston and Salem NH. N.M.C.O.G. has written to Cong. Meehan asking to stay with Lowell. If we get put in with Boston we may have trouble getting money and ask that the BOS send a resolution to him.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to send a Resolution to Cong. Meehan stating that we lose credibility if we are classified in a larger, metropolitan area.

Mr. Logan reported that there is an Economic Development Initiatives bill pending and we should let Cong. Meehan and N.M.C.O.G. know where we stand, that we're interested, with a copy to Gov. Weld.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to do so.

Under Reports, Mr. Brem said that re the Camp, Dresser and McKee report, at the meeting with the Water District Commissioners we agreed to put the preparation of the report on Hold, and the report is not forthcoming as the papers have said. There is to be a meeting of the BOS sub-committee, the Water Commissioners and Camp, Dresser and McKee.

Mr. Brem reported that he is the Board representative to the Middlesex County Advisory Board and that their Annual Meeting is on March 31st. He is unable to attend and asked for another Board member to represent the Town.

Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. to send a letter to the Highway Dept. congratulating them on the excellent job they did during the Blizzard of '93.

Mr. Blomgren asked to have Mark Perriello attend an April meeting to discuss the progress of the May 1st Clean-up Day.

Mr. Blomgren asked to have a Board of Health report on the Route 3 Cinema by the next meeting and Mr. Logan said let's have the manager in again.

Mr. Blomgren reported that he thinks Burger King is not in compliance with the stipulations of their license in the placement of their video games and asked that a letter be sent.

The Board then met with Robert Grossier, New England Telephone Company engineer, with a petition to approve moving a pole on High Street nearer Badger Lane to bring service to two new homes. The pole will be in the soft shoulder of the road. Mr. Lawlor asked them to look at the pole at High Street and Robin Hill Road.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve the relocation of the pole.

Under Appointments Mr. Logan read a letter from Elected Constable William Spence asking that the Board appoint Edward J. Finn and Robert Rallis as Deputy Constables.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to do so.

Mr. Logan announced that the LWV's Candidates Night is Monday, March 29, 1993 at 7:30 p.m. at the Groton Road Senior Center.

At 7:45 p.m. a Public Hearing was held on the application of Brian Monahan, Convenience Consultants' Services Inc. d/b/a The Corner Cupboard Store for an All Alcoholic Retail Package Store at 149 Gorham Street. Brian Monahan introduced his father Joseph and said that they want to be a full convenience store with a full alcoholic license. It will be a clean, safe well-lighted environment. The layout was designed by a security firm specializing in liquor stores. Mr. Monahan said he only wants to carry pints and half-pints behind the counter and doesn't want to be a full liquor store to start out. He added that the beer coolers are separate from the dairy and soda coolers. Mr. Monahan gave his background, stating that he has had 13 years experience in the retail business and 6 years as a Store 24 manager in high crime, low income areas. He will also take a TAMS course.

Mr. Logan asked if any one present wishes to speak in favor of or opposition to this license. John Harrington, 149 Boston Road and local package store owner, said that he is in favor for a number of reasons. He wants to see a package store back in this location that has had a liquor store since 1942, that there are no other liquor stores in the East Chelmsford area, and the other six are scattered around Town. He feels that there is plenty of security for alcohol in this convenience store and feels that a full package store will do well in that area. He said that the TAMS (Techniques of Alcoholic Management) program is good for 3 years certification and he has scheduled Mr. Monahan for the next class on April 4th.

Henry Emmet, 13 Smokerise Drive, was in the audience and asked how many licenses are available in Town and was told 7. He questioned the selling of wine coolers and was told that only two shelves are reserved for these drinks. Mr. Emmet said that selling to underage youths is a concern.

At 8:00 p.m. Mr. Logan closed the hearing.

Mr. Blomgren questioned the ownership of the land and the proper insurance, asked Brian to come back to the Board if he wants to put in more liquor, and suggested that the alcohol and food areas be separated.

Mr. Monahan said that they plan to do extensive renovations and Brian showed the plans to the Board, indicating that they are

going to put in a lot of glass and keep the front of the building well lit and want to open by June 1st. Breian said that at Store 24 he trained managers in theft control and store layout and is concerned about clutter and cleanliness.

Mr. Monahan said there is a 500 gallon oil tank in the rear of the property that will be removed. Brian said he is planning to be open from 6 am - 10pm, he himself will work 60 - 80 hours per week and he wants to hire 4 - 5 neighborhood people part-time. Mr. Brem told him that we wait until the next meeting to vote on the license and the Board will inspect the store in December at the time of license renewal. Brian told the Board that the beer coolers will be locked and the wine shelves curtained off between 6 am and 8 am. He further explained what he intends to do for security. Mr. Lawlor commented that he wished he would get a Beer and Wine license before he asks for All Alcoholic. The Monahans will be notified of the next meeting.

Chis Chappell, attorney representing DBT Corp. was present regarding some land on Erlin Road formerly owned by Shawmut Bank but taken by the Town for back taxes. He said that in 1991 the Town started land taking in Land Court. The bank was notified but did not follow through, a foreclosure sale occurred and DBT bought the 1.85 acre parcel. The judgment was entered in Land Court on Sept. 29, 1992 and they now want to petition the Land Court to vacate that judgment. The forecloser can petition Land Court or we can allow DBT to pay back taxes and have the Town petition Land Court to vacate judgment before Sept. 29, 1993. Town Manager Lynch and Finance Director Fred Mansfield discussed back taxes and fees involved in going back to Land Court. The assessed value of the property is \$36,200 but there is not sufficient frontage to use as a building lot. The Board agreed that the property is of value to the Town and Mr. Lawlor said we need an opinion from Town Counsel as to the rights of redemption. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to table the matter until we have an opinion from Town Counsel.

DPW Director Jim Pearson met with the Board to give an update on the Hart Pond water level. The residents in that area have been very concerned with the dam, and he held a public input session on October 5, 1992 with 30 -40 people in attendance and 15 gave opinions. On November 4th a Public Hearing was held with the Conservation Commission for approval and an Order of Conditions was issued. They have started the Operations and Maintenance Manual as required by the Dept. of Env. Mgmt. and call for quarterly surveillance, semi-annual adjustment of the water level and annual inspections. The water level is now set 40" below the level of concrete to allow for snow meltage. The summer level will be 28" below the top of the concrete. The spillway was in

major disrepair when they uncovered it and the Consv. Comm. said to get in and fix it. As the leakage was through the boards, not over, there has been a significant reduction in leakage. Mr. Pearson has spoken with the neighbors and Frank Wotjas, and will send draft copies of the report to residents Keenan, Robinson and Neal. Mr. Logan said we will get a copy to the library and let the press know it's available. Mr. Brem said they have done excellent work and Mr. Pearson said that the cost at this dam has been \$7,000., that this work will be good for 15 years and that annual maintenance costs run about \$1,000.

Under Appointments, Mr. Lynch said he has appointed Wendy Rourke to the Solid Waste Advisory Committee. Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to approve this appointment.

Contract Awards - Mr. Lynch said we had problems with the computer system that we purchased 8 - 9 years ago and it is no longer adequate. We went out for bid and received 3 proposals and on the recommendation of the Evaluation Committee the bid was awarded to the Computer Center of Falmouth, ME, the low bidder on both software and hardware. Payroll and tax billing will be done in house, and it will tie into the Novell Network programs we have now. Finance Director Fred Mansfield commented that there are about 30 towns in the state currently using this system. As to the cost, the base proposal is \$143,000 over 4 years; the hardware will come out of Capital Planning and the maintenance out of annual operating costs. There are 16 direct stations and we can add up to 16 - 18 more at \$1,000 each. The annual maintenance fee is app. \$12,000. Mr. Blomgren commented that we have a hodge podge of different systems now and Mr. Lynch said that these systems will be tied in as well as police, fire and library administration. Mr. Mansfield said that we have looked at the future needs of the Town and tried to get overall savings and convert to one vendor system.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept the Computer Center bid providing that Town Counsel approves the contract. Mr. Logan asked Mr. Lynch to thank the Evaluation Committee.

Mr. Lynch said he wants to commend the Highway Dept. for an outstanding job this season and said he held Open Hours the day of the Blizzard.

Mr. Lynch announced that commencing on Monday, April 5th we will be changing Monday hours. The Town Clerk, Treasurer and Assessors offices have been open from 7 - 8 pm on Mondays; now those three offices plus the Building Inspector and Town Manager's offices will remain open from 5 pm - 6:30 pm on Mondays except for June, July and August and on Town Meeting nights.

Mr. Lynch told the Board that we need a Special Town Meeting within the Annual to 1. transfer some money into the '93 Fire Dept. budget and 2. to amend the zoning by-law and map to allow catering in a CX zone - we have a potential tenant for the Old Town Hall.

At 9:20 pm Chairman Logan called for a 10 minute recess.

The Board went into a Work Session on Long Range Planning requested by Selectman Brem. Mr. Brem had prepared a handout for this meeting. Mr. Brem read the Long Range Planning Objective saying that it is just a draft. He feels we need a 3 phase approach and that Phase 1 should be the development of lists of issues, projects and programs.

Mr. Brem broke Phase 1 into 4 categories: Town Management, Community Service Programs, Low Cost Improvements and High Cost Improvements.

Under consolidation of Community Service Mr. Brem said that Library, Senior Center, Recreation, Cultural and Historic services should be combined and Mr. Lynch said he has set up a Committee - Quality of Life Services.

Mr. Brem talked about consolidating a Permitting Department and Mr. Lynch said he has tried to coordinate the Board of Health and Building Department in the past. Mr. DeFreitas said that when they held a meeting on the subject the Board of Appeals gave them less opposition than the Building Department.

Mr. Lynch said he is starting a Community Development Department by hiring a professional assistant in the Board of Appeals/Conservation Commission. He gave a handout showing where we are now and then goal statements in the various categories. Mr. Brem said that the goals are good but we need to go to the next step, and Mr. DeFreitas said we need to know where we've come from as well as where we're going. Mr. Lynch discussed the inventory in on-going projects and said he has tried to give where we are in each category.

Mr. Brem said he would like to ask 4 - 5 committees to come in to discuss their long-term plans and goals, for about 15 minutes each. There was discussion about should the committees come to the BOS or a selectman go to them.

More discussion took place on how to achieve the goals that have been discussed and Mr. Brem said he hopes we will get past the discussion of goals at the next session.

At 10:30 pm motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to adjourn the meeting and work session.

For the Board of Selectmen, by

Judith E. Conter

RECEIVED
93 APR 21 PM 2:55

Regular meeting of the Board of Selectmen held Monday, April 5, 1993 at 7:00 p.m. Members present were: William R. Logan, Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Mr. Lynch asked the Board to vote to place three articles on the Warrant for a Special Town Meeting to be held within the ATM commencing on April 26th. He explained the articles:

1. Supplemental budget for the Fire Dept. - there is a gap of about \$100,000. The monies can be taken from savings in the DPW budget (3 men out on Workers' Comp) and savings in Debt and Interest. The additional funds needed are due to a delay in manning changes, recruitment and training time took longer than expected and we have no control over Civil Service transfers.
2. Change in Use Schedule to allow Food Catering in a CX zone This would make a change in the use of the Old Town Hall to allow a catering service, since there is no provision in the zoning by-law for food catering. Mr. Blomgren said he has a problem putting this article on the warrant, but Mr. Lynch told him that it doesn't affect the CX zone, that he has been trying to get a tenant for this space and that the zoning restriction has been the only stumbling block. Town Counsel James Harrington said that people could pick up prepared food on the site but not eat there, and that the article will add the specific new use of "catering" to all C zones.
3. Chapter 90 money - the State wants us to consider it as available funds - \$475,000 - but we now need TM vote to accept the money. Mr. Lynch told the Board it is very close to a reimbursement program.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to put Art. #1 on the STM Warrant.

Motion by Mr. Lawlor, seconded by Mr. Brem, to put Art. #2 on the warrant. Vote was 4 in favor, Mr. DeFreitas abstained since his wife is a tenant in the building.

Motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to put Art. #3 on the warrant.

Under Policies, the Board discussed policies on Harassment and Sexual Harassment. Mr. Blomgren passed out an addendum to the policies as submitted by the Sexual Harassment Committee. He said that their policy is basically sexual and that there are 7 or 8 other areas of harassment. Employees should understand that harassment is not just sexual.

After discussion, motion by Mr. DeFreitas, seconded by Mr. Lawlor, unan. to accept Section 6.6.1 as policy on harassment and sexual harassment. Mr. Blomgren asked Mr. Lynch to look at the other categories to see if they should be incorporated and Mr. Lynch said that Personnel Board policies provide for anti-discrimination.

Under Contract Awards Mr. Lynch said he has awarded the bid for printing the FinCom report to Harper Brothers. Motion by Mr. Brem, seconded by Mr. DeFreitas, unan. to approve.

Chairman Logan brought up Chairman's correspondence, referring to a letter from Police Chief McKeon stating that he is supporting the placing of an Army tank in the Veterans' Memorial Park. Mr. Logan said he doesn't think having a tank in the park speaks very well for the Town, and that the Board has been most supportive of the Park.

Motion by Mr. Lawlor to not permit placement of a tank at the North Raod Veterans' Park. The Board then discussed the matter. Motion by Mr. DeFreitas to ask the Chairman of the Veterans Park Committee to come in to explain and let the Chief know that the Board has concerns. Mr. Lawlor withdrew his motion.

Mr. Logan stepped down from the Chair and moved to send a letter to the Chief asking that the tank not be placed in the Park, that the spirit and serenity of the Park would be disturbed if we put a fighting vehicle there, seconded by Mr. Lawlor. The vote was 4 in favor, 1 opposed (Mr. Brem who felt that the committee should be allowed to come in to a meeting).

Mr. Brem asked to make a Report, stating that at the Middlesex County Advisory Board dinner on March 31st they voted mainly on budgets and a major shift occurred at the meeting - the Middlesex County Police Division was taken away from the County Commissioners and put under the Sheriff's Department. They also discussed early retirement for County employees.

Mr. DeFreitas reported that the ESP TV show will be Wednesday, on the subject of advertising. He reported that on Friday April 16th, the Chelmsford Friends of Music will present a concert at the Senior Center, with proceeds to benefit the High School music program.

Mr. Brem thanked the Townspeople for their support on the Kerry Nickerson Bone Marrow Transplant Drive, that over 1200 people went to be tested.

Mr. Logan reported that the Clean-up Day scheduled for May 1st has been cancelled and they will try to hold it in the Fall.

Mr. Lawlor asked that the Board send a Get Well message to Barbara Scavezze, who recently had surgery.

Mr. Blomgren thanked the Board for the opportunity to work with them during the past year. He is running for re-election to his 4th term on the Board.

At 7:50 p.m. motion by Mr DeFreitas, seconded by Mr. Lawlor, to adjourn to Executive Session to discuss Collective Bargaining and pending litigation. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Lawlor-Aye; Mr. Brem-Aye; Mr Blomgren-Aye; Mr. Logan-Aye. Mr. Logan said that they will not be returning to Open Session.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
93 MAY 18 AM 11:05

Regular meeting of the Board of Selectmen held Tuesday, April 20, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Jacqueline Matzkin, President of Friends of the Library, was present to ask the Board and Townspeople to join the Friends during this Membership Drive Week.

Henry Emmet, 13 Smokerise Drive spoke briefly, welcoming Mr. Joyce to the Board and stating that more residents should have voted in the Town Election.

The Board then recessed until 7:30 p.m. when Chairman DeFreitas called the meeting to order.

Mr. Lawlor read the proclamation for April 30, 1993 as Arbor Day and the proclamation for Youth Government Week, the week of May 3, 1993. John Tucker and the Exalted Ruler accepted the Youth Government Proclamation for the Elks.

Motion by Mr. Lawlor, seconded by Mr. Brem, to accept the minutes of the Regular and Executive Sessions of March 8, March 22 and April 5, 1993. Vote was 4 in favor, 1 abstention (Mr. Joyce because he was not yet a member of the Board).

Raymond Kroll was present to accept a Certificate of Appreciation from the Board thanking him for the donation of 14 acres of land on Proctor Road to the Land Conservation Trust. The parcel was appraised for \$285,000.

At 7:35 p.m. Ed Monte, New England Telephone Company, presented three pole pstitutions, two jointly with Mass. Electric. He explained the petitions: 1. Place pole on Crooked Spring Road to service new houses; 2. Place pole on Hunt Road to allow Mass. Electric to tie in; and 3. Run conduit on Middlesex Street for cable.

Mr. Lynch said that New England Telephone has some outstanding debts to the Town for Police detail work and he will get a list for Mr. Monte.

Motion by Mr. Lawlor to approve the three petitions subject to the Town Manager receiving payment for past details, seconded by Mr. Joyce.

Mr. Brem amended the motion to approve the Crooked Spring petition tonight and hold the other two contingent upon receiving the past due detail payment, seconded by Mr. Joyce. Vote was 2 in favor (RPJ and JAB), 3 opposed (PVL, WRL and RDeF).

Vote on Mr. Lawlor's motion was unanimous in favor.

The Board then discussed their position on Warrant Articles:

- Art. 1: To hear reports - housekeeping - no vote.
- Art. 2: To eliminate cap on State lottery funds - motion by PVL, seconded by WRL, unan. to support.
- Art. 3: Local Roads Fund - motion by PVL, seconded by RPJ, to recommend. Vote was 4 in favor, 1 opposed (JAB).
- Art. 4 and
- Art. 5: Sale of Town-owned land on Mallory Street: Mr. Lyunch said that there are 3 parcels taken by the Town for back taxes and State law requires competitive bidding. The abutters want to buy the parcels. Motion by PVL, seconded by RPJ, unan. to support both Arts. 4 and 5.
- Art. 6: Sale of school surplus land adjacent to Byam School to abutter for commercial use. Motion by PVL, seconded by RPJ, unan. to support.
- Art. 7: Change in Fire Dept. seniority - proponent not present BOS will make recommendation at ATM
- Art. 8: AIDS Guidelines - petition - non-binding issue to allow parents to review program. Motion by PVL, seconded by RPJ, to not make any recommendation as this is a curriculum matter. JAB said we shouldn't walk away from it just because it is a school issue and PVL said he wants to hear the School Comm. recommendation. Motion was amended to reserve any recommendation until Town Meeting. Vote was 3 in favor, (RDeF, PVL and JAB), 2 opposed (WRL, RBJ).
- Art. 9: Additional time for FinCom report - motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 10: Make funds available for Sewer Comm. to obtain easements, etc. Motion by PVL, second RPJ, unan. to recommend.
- Art. 11: Attendance at Town Meeting - mechanism to make up for missed meetings - motion by PVL, seconded by RPJ, to recommend. Motion by RPJ, seconded by RDeF for discussion, to keep the hearing committee to elected Town Meeting reps. Vote on the amendment was 2 in favor (RPJ and RDeF), 3 opposed (JAB, WRL and PVL). Vote on Mr. Lawlor's original motion to recommend was unanimously in favor.
- Art. 12: To allow non-TM reps to make motions: After discussion, motion by PVL, seconded by RPJ, unan. to allow any elected or appointed Board member to submit a motion on any article pertaining to his/her Board.
- Art. 13: Early Retirement Incentive: Mr. Lynch said that when the legislation was passed in July Middlesex County didn't have the funding in place; it is now cleared up and TM must vote to accept it again; will mean savings to the Town. Motion by PVL, seconded by RPJ, unan. to recommend.

- Art. 14: Petition: amend by-law - trappers must have permission of property owners. Mr. DeFreitas read a letter from the Mass. Trappers Association (copy attached and made a part hereof). After a lengthy discussion, motion by PVL, seconded by RPJ, unan. to recommend. Vote was 3 in favor, 2 opposed (JAB and RDeF).
- Art. 15: Library Trustee Betty McCarthy spoke on the proposed sale of the Tait painting to help fund a library addition. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 16: Trustee Lorraine Lambert gave the background of the Library's quest to expand and said that the "Pink House" is again for sale. Motion by PVL, seconded by RPJ, unan. to recommend raising funds for this purchase.
- Art. 17: To give Town Treasurer an additional management capability - Mr. Lynch said this is standard article. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 18: Transfer of cemetery funds - \$18,000. Standard article. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 19: To pay past due bills - Town Manager said there are none, and article will be withdrawn.
- Art. 20: To permit NVTHS to accept money - standard. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 21: To reduce total amount of taxation to fund Sewer projects: motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 22: To adopt state statute to make Recreation and Parks self-supporting service: motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 23: To allow Conservation Commission access to restricted funds - transfer \$2500. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 24: To fund \$21,500 for annual audit as required by federal and state laws: motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 25: Sand lease: annual article - 10 year lease. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 26: To approve FY94 Budget: motion by JAB, seconded by PVL to table this vote until the floor of Town Meeting. Vote on the motion was 4 against, 1 in favor (JAB). Motion by PVL, second by RPJ, unan. to support the budget.
- Art. 27: To reduce taxes for senior citizens through volunteer work for the Town: Mr. Lynch said the program has been a great success this year. Motion by PVL, second by RPJ, unan. to recommend.
- Art. 28: Capital Improvements: Mr. Lynch explained the different items to the Board, and he and Mr. Logan will formulate a policy on Town-owned vehicles. Motion by PVL, seconded by RPJ, unan. to recommend.

- Art. 29: To put \$150,000 in the Reserve Fund: motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 30: To increase fines for parking in handicapped space and extending the number of days for a temporary permit. Motion by PVL, seconded by RPJ, unan. to recommend. Mr. Lynch and Ralph Hickey will work out changes in the Committee's working by-laws.
- Art. 31: Free Cash to be put toward the following year's budget - \$167,072. Motion by PVL, second by RPJ, unan. to recommend.

Under Unfinished Business the Board discussed the application for the All Alcoholic Retail Package Goods Store license at 149 Gorham Street. Mr. DeFreitas read a history of the property and the license and said that this is a continuation of the Public Hearing on March 22nd.

Motion by Mr. Logan, seconded by Mr. Brem for discussion to approve the license. Applicant Brian Monahan said that the oil tank has been removed, the outside painted and they are in the process of putting up drywalls. They are planning to spend about \$75K on basic property improvement and \$35K on the interior. He said they carry insurance of \$500,000 on the business and \$500,000 on all alcoholic liability. The ownership of the land had been questioned and Mr. Lawlor said he has seen the deed and confirms it.

Mr. DeFreitas closed the Public Hearing.

Mr. Lawlor asked Mr. Logan if he had any conditions on his motion and he said that we will plan to review the operation in December.

Mr. Lawlor said he wants to see the store in operation before he will vote for an all alcoholic license and would not vote this license to anyone in the next 6 - 7 months.

Mr. Logan then amended his motion to not granting the license until all improvements are completed and he feels the area deserves a package store and the Monahans will be good owners.

Vote on Mr. Logan's motion to grant the license was 4 in favor, 1 opposed (Mr. Lawlor).

The Board then discussed articles on the warrant for Special Town Meeting.

- Art. 1: to amend the zoning by-law to include a food catering service to be allowed in any commercial zone. Motion by PVL, seconded by RPJ, unan. to defer recommendation until Town Meeting floor.
- Art. 2: to transfer \$100,000 to Public Safety personnel service, money to come from the Debt and Interest Account. Motion by PVL, seconded by RPJ, unan. to recommend.
- Art. 3: Declare \$479,646 to be used by the DPW - Chapter 90 funds. Motion by PVL, seconded by RPJ, unan. to recommend at Town Meeting.

Under Reports Mr. Joyce said it is pleasure to join the Board and he looks forward to working with 5 fine individuals.

Mr. Brem said he wants to do a yearly cap - the best of the Selectline. He said that topics covered have been water consoldation, trapping, tax increase, Town Manager's raise, Bike Trail, snow plowing, etc. He said we receive app. 12 calls per month and encouraged the public to call, saying that it is a successful service.

Mr. Logan reminded people out running after dark to wear reflective outerwear.

Mr. DeFreitas reminded residents that this week is the Friends of the Library Membership Drive, that there is an ESP meeting on Wednesday and also a meeting of the Trail Committee.

Under New Business Mr. DeFreitas said that previously we have had a letter from the Police Chief asking for a tank to be displayed at the Veterans' Memorial Park. In prior action the Board had disapproved this request.

Mike Kinney, Chairman of the Park Committee, spoke to the Board, saying that they are talking about an \$80,000 helicopter, not a tank, that it is a gift from the Defense Dept. and they have no place for it. At this time they have no desire to place it in the park, but want to display it at parades, etc.

Mr. Lawlor said that the Board agrees that the Committee has done a beautiful job on the park and they didn't want a tank there to mar the beauty and serenity of the site.

Mr. Kinney asked the Board to endorse the acceptance of the helicopter as a tribute to the Town's veterans. Mr. DeFreitas said could they come back with a solid proposal and Mr. Kinney said they are looking at th Highway yard or garage. Mr. Lynch said there is no room there at this time.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. that the Board take a position in endorsing the veterans' group acceptance of this gift and prior to its arrival in Town coordinate its location and storage area with the Town Manager. Mr. Brem said that the Board supports the veterans and their interests and they have the support of the Board as long as it is not detrimental to the Town.

Mr. Kinney asked for a letter from the Board and Mr. DeFreitas said it will be forthcoming.

Mr. Joyce said we should take a pro-active stance on mosquitoes, and beef up our spraying program. Mr. Lynch said he will get a report from the Board of Health. Mr. Brem asked about the Snow & Ice Account and Mr. Lynch said we have spent app. \$500,000 which is \$150K over what we budgeted. We hope to make it up on the re-cap sheet and some re-imbursement from the Federal Government through FEMA.

Policies - Mr. Joyce and Mr. Brem will work on categorizing policies.

At 10:15 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

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93 MAY 18 AM 11:05
TOWN OF
TOWN CLERK

then clerk

RECEIVED
93 MAY 18 AM 11:05

Regular meeting of the Board of Selectmen held Thursday, April 29, 1993 at McCarthy School at 7:00 p.m. Members present were: Richaead E. DeFreitas, Peter V. Lawlor, Robert P. Joyce and William R. Logan. Town Manager Bernard Lynch was also present.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to table the Board's vote on Art. 1 of the Special TM Warrant until after the Town Manager's presentation at the meeting.

Mr. DeFreitas passed out a meeting schedule saying that May 10 is a Work Session to schedule the coming year and the Water Commissioners will be invited for May 17 (later changed to May 24).

Mr. DeFreitas announced that Town Accountant Bernie Meyler has resigned to take a position in Littleton effective May 10. He said that the charge to the Sub-committee will be: clarify the position, screen applicants, decide what kind of individual we want and the salary range. He is recommending Selectmen Logan and Joyce from the Board and Bernard Lynch and Fred Mansfield from the Town to serve on the sub-committee. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to appoint.

Mr. DeFreitas said they will come up with a job description, and probably elevate the position salary-wise. We want a top-notch person with a municipal background. He added that the Finance Director shouldn't have to supervise the person on a daily basis. Finance Director Fred Manfield said he and Mr. Meyler have worked more as a team. Mr. Lynch said we will advertise in the Boston Globe on Sunday, May 2 and don't have time to advertise in the MMA Beacon. Fred Mansfield said he knows of several good people and the auditors will look around and Mr. Lynch will let other cities and towns know we're looking. Mr. DeFreitas said it is in our best interests to fill the posiiton asap, hopefully by June 1st to help close out the books, etc.

Mr. Lynch said we want to do a complete conversion by the end of June, and Mr. Mansfield said we will have to go into the new system but also use the old - run parallel for a couple of months. Mr. Logan said they hope to have some applications for the Board's review by May 17th.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. Lawlor, to go into Executive Session to discuss the lease, purchase or exchange of real property. Roll Call vote was as follows: PVL-Aye; RPJ-Aye; WRL-Aye; RDeF-Aye. Mr. DeFreitas said we will adjourn this sessioon and go directly to Town Meeting.

For the Board of Selectmen, by

Julie C. Cart

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93 MAY 18 AM 11:05

TOWN OF ST. HELENA
MART E. ST. HELENA
TOWN CLERK

93 JUN -9 PM 3:08
TOWN CLERK

Work Session of the Board of Selectmen held Monday, May 10, 1993 at 8:30 p.m. following Executive Session. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce and William R. Logan. Mr. Brem was not present due to a conflict in schedules. Town Manager Bernard Lynch was also present.

Mr. Lynch said that the Board needs to vote to accept the Early Retirement Incentive program since this will set the clock running and need to give us 45 days to end before the end of the fiscal year on June 30th. The dates will be from May 11 - June 27, since the School Dept. nurses, custodians and secretaries will be through on that day.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to accept the provisions of the early retirement package as recommended by the Town Meeting and the Town Manager. Vote was 4 in favor, 0 opposed. Mr. Lynch said that this will be a money saver for the Town in the long run.

Motion by Mr. Logan, seconded by Mr. Lawlor, to ask Mr. Lynch to have a report prior to the October Town Meeting on the cost of the program and new hires vs. savings.

The search for a Town Accountant was discussed and Mr. DeFreitas said we have received 19 resumes. They are not public now and would be only if they are finalists. The Sub-committee of Selectmen Joyce and Logan, Mr. Lynch and Finance Director Fred Mansfield will meet at 6:00 p.m. on Monday, May 17 and at 6:30 pm on Monday, May 24 with the Board.

The Board discussed their Work Plan for the year stating that they would like to meet with the various departments and to hold some BOS meetings in other sections of Town. Mr. Lawlor said he would like an MMA evaluation of the BOS workings within the Board and also within the Town.

Mr. DeFreitas said that at the meeting with the Water Districts, he wants information from all involved and all questions submitted to be answered. As long as the issues are raised, we don't have to agree with the answers. He stated that after the CDM report is completed copies will go to all concerned, then another meeting will be held and then possibly a Public Hearing. He wants to give them all they ask for plus.

Mr. Logan asked about the Lighthouse School and Mr. Lynch said that the sub-committee is to get the report from the firm. The sub-committee meeting has been cancelled twice, and Mr. Logan asked to be notified of the meeting. Mr. Lynch added that the clock is not running yet, that the Board has not put them on notice.

Mr. Logan asked that Sen. Hicks and Rep. Cleven be asked to attend the meeting on June 7 to discuss school reform and school choice, and that they be asked to attend the October Town Meeting. Mr. DeFreitas said he will send them an open invitation and Mr. Logan said we should meet with them twice a year as a matter of policy.

The Student Government Day BOS reps will be invited to attend the meeting on May 17th.

Mr. Logan and Mr. Lynch will formulate a policy on the use of Town-owned cars.

At 9:35 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn.

For the Board of Selectmen, by

Justin E. Carter

twr Clerk

RECEIVED
93 JUN -8
PM 3:08
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, April 26, 1993, at 7:00 p.m.. Members present were: William Logan, Richard DeFreitas, Peter Lawlor, Jeffrey Brem and Robert Joyce. Town Manager Bernard Lynch was also present.

Jeffrey Brem moved to reconsider Article 14, seconded by Mr. Lawlor. Mr Brem said that he is wants to look at this again due to the amount of the fine and that it is extremely difficult for the trappers as it is. Mr. DeFreitas handed out a Preamble for the boards review. Mr. Brem moved to accept the Preamble. Mr. Logan seconded for discussion. Mr. Lynch reported that the preamble is repetitive due to a state law regarding emergencies. Mr. DeFreitas said the Preamble would provide home rule power. Mr. Lynch stated that this is covered by state law also. Mr. Lawlor moved to recommend article 14 as proposed, seconded by Mr. Joyce, unanimous.

Chairman DeFreitas asked the Town Manager for comments on Article 7. Mr. Lynch said the article makes sense because it will provide seniority in the fire department. Mr. Lawlor made a motion to recommend the Article, Mr. Joyce seconded, unanimous.

Article 8 - Mr. Lawlor moved to not recommend Article 8, Mr. Brem seconded. Mr. Logan said this is a non-money, school committee item and the board does not have to make a recommendation. Mr. Lawlor said Dr. Moser wants to incorporate AIDS into the curriculum and made a motion to not recommend this article, seconded by Mr. Joyce. The motion passed 4 - 1, Mr. Logan voting against.

There being no further business the meeting adjourned at 7:35 p.m.

Respectfully submitted

Marian D. Currier

Marian D. Currier

93 JUN-9 PM 3:08
TOWN MANAGER
TOWN CLERK
TOWN ENGINEER
TOWN ATTORNEY
TOWN ASSESSOR
TOWN ZONING BOARD
TOWN PLANNING BOARD
TOWN HISTORICAL COMMISSION
TOWN LANDS DEPARTMENT
TOWN PUBLIC WORKS DEPARTMENT
TOWN POLICE DEPARTMENT
TOWN FIRE DEPARTMENT
TOWN SANITATION DEPARTMENT
TOWN SOCIAL SERVICES DEPARTMENT
TOWN HEALTH DEPARTMENT
TOWN EDUCATION DEPARTMENT
TOWN RECREATION DEPARTMENT
TOWN CULTURAL AFFAIRS DEPARTMENT
TOWN COMMUNITY DEVELOPMENT DEPARTMENT
TOWN ECONOMIC DEVELOPMENT DEPARTMENT
TOWN ENVIRONMENTAL AFFAIRS DEPARTMENT
TOWN INFRASTRUCTURE DEPARTMENT
TOWN INFORMATION TECHNOLOGY DEPARTMENT
TOWN LEGAL COUNSEL
TOWN OFFICE OF THE TOWN MANAGER
TOWN OFFICE OF THE TOWN CLERK
TOWN OFFICE OF THE TOWN ENGINEER
TOWN OFFICE OF THE TOWN ATTORNEY
TOWN OFFICE OF THE TOWN ASSESSOR
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TOWN OFFICE OF THE TOWN ECONOMIC DEVELOPMENT DEPARTMENT
TOWN OFFICE OF THE TOWN ENVIRONMENTAL AFFAIRS DEPARTMENT

Regular meeting of the Board of Selectmen held Monday, May 17, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting Tom Christiano, 6 Drew Circle, told the Board the plans for Bike Trail Day on Saturday, June 5th. Participants will meet at the Byam School and leave at 9:00 am to walk the trail to the Center, and there will be a ceremony on the Common about 10:30 am, with refreshments and music. He invited the Board to attend.

Mr. Christiano also spoke as a member of the Art Society, asking the Board to thank society member William Hynes for finding the Tait painting in the closet at Adams Library. Mr. Lynch said we will plan something.

At 7:10 pm Mr. DeFreitas said the Board will recess until 7:30 p.m. He called the meeting to order at 7:30 p.m. noting that all members are present.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept the Reg. and Ex. Session minutes of the meeting of April 20, 1993.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to accept the minutes of the Regular Session of April 29, 1993. Vote was 4 in favor, 1 abstention (Mr. Brem because he was not present at the meeting).

Motion by Mr. Lawlor, seconded by Mr. Joyce, to accept the minutes of the April 29th Executive Session. Vote was 4 in favor, 1 abstention (Mr. Brem because he was not present.)

Mr. DeFreitas welcomed CHS student Ken McPhail who was elected Chairman of the BOS for Student Government Day.

Under Reports, Mr. Brem announced that the Recreation Commission is sponsoring a Family Night at the Boston Red Sox on Friday, May 28th.

At 7:35 pm a Public Hearing was held on the application of Bimal Patel for a Common Victualer's license to be exercised on the premises at One Village Square known as Village Square Convenience Store. Mr. Patel told the Board that the former tenant, Diane Rasimowicz, had a Common Victualer license but she went bankrupt and the license was not renewed for 1993. He will be running the same type of operation, presently serving only coffee.

No one present spoke in favor of or opposition to this application.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant the license.

Mr. Joyce reported that he had attended Hazardous Waste Day and was very impressed with the organization and number of volunteers. He extended thanks to the Board of Health, Richard Day and John Emerson, Tony Ma, Barry Balan and the Highway Department.

Mr. Lawlor reported on the Styrofoam Drop-off at McCarthy School and thanked those volunteers.

Mr. Brem reported that at the Middlesex County Advisory Board meeting there was much controversy over the set-up of their police department. The Advisory Board took 16 members of the police force and put them under the Sheriff's Department and now the County Commissioners are concerned and suing the Advisory Board.

Mr. Logan reported that the Town Accountant Search Sub-committee is working diligently, and he will have a report at the next Board meeting. They hope to start the new person between June 15 and July 1st.

The Town Manager reported that the Early Retirement Incentive program has been put into effect and he has two requests in writing but expects more.

George LeMasurier has been appointed the new Assistant Town Engineer, replacing Tony Ma who has been an outstanding employee. Mr. Logan asked about the Early Retirement program and will there be additional costs to the Town and Mr. Lynch said yes, over the next 15 years, with a one-time cost this year for sick-leave buy-back.

Mr. DeFreitas noted that Student Government Day was May 6th and asked Ken McPhail to give a short report. Ken told the Board that it was a very interesting day, that everyone enjoyed it and he wishes he could do it again next year. Mr. DeFreitas thanked him for coming tonight.

At 7:45 p.m. a Public Hearing was held on the application of John Bowles to transfer the location for his Class II Auto Dealer's license. He is presently located on Oak Street with a 2 car limit and is moving his business to 14 Progress Avenue, where there had been a 14-vehicle limit on the previous owner. He has transferred Jake's Auto Body shop there and wants to start a used car dealership. He showed the Board his plot plan. Mr. Lawlor questioned signage and Mr. Bowles said there are currently two signs on the building which he will use. His hours will be 8 am - 5 pm Monday through Saturday, and there is more than adequate parking. If things go well, he may ask to increase the number of cars allowed.

No one present spoke in favor of or opposition to this application.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the license to sell used cars at 14 Progress Avenue, with a limit of 14 vehicles and all repairs to be done in garaged areas.

A Public Hearing was then held on the application for a Class II Auto Dealer's license at 123 Princeton Street. Attorney Joseph B. Shanahan, Jr. represented National Auto Body and Sale, stating that Richard Dulgarian is the sole proprietor. Mr. Shanahan said that this site has had a Class II license since 1977, when it was limited to 30 vehicles, and transferred in 1983 to Larry Cunningham and Richard Wheeler and the restriction lifted. He said that made immediate improvements, re-doing the parking area and adding landscaping. Mr. Dulgarian has had a Class II license as National Auto Body in Lowell and now wants to be able to sell cars that he has repaired and re-conditioned on the Chelmsford property. He has an unblemished record in the City of Lowell and is a life-long resident of Chelmsford. The hours requested are Monday thru Fri. 8 am - 9 pm and Sat. 8 am - 6 pm. All repairs will be done in the building itself. Mr. Dulgarian went to the Board of Appeals and was granted a Special Permit to add 1700 sq. ft. to his 2700 sq. ft. building. The site is self-restricting, since it is only a one acre lot. No one present wished to speak in favor of or opposition to this license.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve a Class II Auto Dealer's license for 35 cars at 123 Princeton Street.

Janet Dubner and Town Nurse Judy Dunigan were present representing the Chelmsford Community AIDS Task Force. Ms. Dubner said that the committee is headed by Ms. Dunigan and they are here tonight with the recommendations of the Task Force. Ms. Dubner summarized the three page report and recommendations for action. They have tried to estimate the costs carefully and will document all expenses.

Ms. Dunigan then spoke, stating that she has been trying to educate the community since 1981 but she can't do it alone and thus the Community Task Force was developed. They are trying to reach the general public and want to implement their recommendations. The Board of Health is reviewing a letter they have sent requiring condom machines in bars and restaurants etc. Mr. Joyce asked if this is all budgeted and Mr. Lynch said it can be covered under the current budget. He added that the Task Force has done an outstanding job to date and wants the BOS to identify AIDS education as a community problem. Ms. Dunigan said that there is denial of AIDS and HIV and the use of drugs among schoolkids but people are starting to realize that this does happen in Chelmsford.

Motion by Mr. Lawlor, seconded by Mr. Logan, unan. to have the BOS endorse the recommendations in the report of the Community AIDS Task Force and commend members of that committee for the work that they have put into it.

Town Counsel James Harrington was present to give the Board his opinion on water consolidation. Mr. DeFreitas said that he was asked by a Commissioner at the first meeting if we had an opinion from Town Counsel so we asked for it. There has been no opinion given of late by the state legislature counsel. Mr. Harrington said that water is now distributed by three separate water districts created by Special Acts of the state legislature in the early 1900's and they pertain only to Chelmsford. The Water Districts contend that the districts can only be disbanded by the legislature which created them. Mr. Harrington said they are incorrect in their opinion as to how to disband, and he cited different cases. Mr. Harrington told the BOS that the Town has 3 options: 1. the Town may continue to stay with the current situation - 3 separate districts as created by the legislature; 2. Town Meeting may vote at least 60 days prior to the Town election to place a question on the ballot seeking approval for the BOS to act as or appoint Water Commissioners; or 3. the petition of 10% of the registered voters of the Town 60 days prior to the election to place the question on the ballot. Mr. Lawlor asked if the appointive powers would go to the Town Manager or stay with the BOS and Mr. Harrington said the BOS. He asked what if there are 2 opinions and he said if another opinion is given he wants it in writing to compare with the Hayden case. If a legal question is raised between 2 opinions we would go to court for a Declaratory Judgment. The matter would have to go on the October Town Meeting warrant to be on the April ballot and Mr. Harrington said he would recommend putting only one question on the ballot. Mr. Lawlor asked if the districts' assets would become the assets of the Town, and he said he is only answering questions posed to him by the Town on procedure, and hasn't gone beyond that. Mr. Logan said that we're meeting with the Water Commissioners on Monday and Mr. Lynch said they have been sent this opinion.

The agenda for Monday night was discussed and Mr. DeFreitas said the main purpose is to get input for the CDM study. Motion by Mr. Lawlor, seconded by Mr. Joyce, to ask Mr. Harrington to be present next Monday night and available for opinions. Vote was 3 in favor, 2 opposed (Mr. Brem and Mr. Logan).

Attorney Shanahan told the Board that Town Counsel said his opinion is for the Townspeople and he thought we would be able to give input tonight. Mr. DeFreitas said the Monday meeting is not set up for Town Counsel's opinion and he expected to see the Water Commissioners here tonight.

Ken McPhail thanked the Board and left the meeting at 9:05 p.m.

Under Unfinished Business Mr. Joyce asked about the mosquito issue and Mr. Lynch said he has asked for a report from the Board of Health.

Under New Business the approval of the one-day All Alcoholic license for St. Vartanantz Cultural Pavilion was discussed. They have applied for a license for May 22nd for a wedding and Mr. Joyce questioned the Board's policy. Mr. Lawlor explained how we determined the policy, that we give them only to non-profit organizations and not more than thirty per year. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to approve this license.

Under New Policy Mr. Logan said he is going to ask to make it a policy to have a report from the State Senator and Rep. at the first session of the annual Spring Town Meeting.

Under Contract Awards Mr. Lynch said that Town Meeting voted \$360,000 to purchase the property at 10 Bartlett Street for library expansion and the closing is June 15th.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the agreement to purchase the Pink House for \$360,000. Mr. Lawlor added that this was discussed in Executive Session.

Mr. Lynch said that three proposals were received for the auctioning of the Tait painting. He is awarding the bid to Christie's since they have the greatest experience in the sale of Tait paintings and there is no cost to the Town with the sole remuneration from the buyer. They will pay the full price to us on the 35th calendar day following the sale and will furnish us a full-scale reproduction of the painting. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve this award.

Sharon Weitz, Chelmsford Independent asked if we received a second appraisal on the Pink House and Mr. Lynch said there is no need to.

At 9:15 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to adjourn.

For the Board of Selectmen, by

Julie E. Carter

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93 JUN -9 PM 3:08

Regular meeting of the Board of Selectmen held Monday, May 24, 1993 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

Mr. DeFreitas said that he and Mr. Joyce had attended the meeting of the North Chelmsford Water Commissioners last Thursday. They looked at the Camp Dresser & McGee letter of Feb. 8 and weren't happy and were displeased with the CDM letter of May 3rd. They talked about pulling out of the study and then moved to do so. They voted in Executive Session to hire their own attorney to give a ruling on consolidation.

Mr. Lynch explained that the Feb. 8 letter referenced was the scope of services prior to awarding the contract and the May 3rd letter was re-stating the scope.

Mr. DeFreitas said the questions seem to be: are the 3 districts providing quality service, would service improve or not under consolidation, and would service improve or not under the DPW.

Mr. Lynch said we waited until April 5 for their response to the scope of services and Mr. Brem went over this document. Mr. Lynch said that in the middle of April they said it was not complete enough so he sent them pages 1 and 2, and has now sent them the new CDM letter and Town Counsel's opinion on consolidation. The Board further discussed how they can work with the Commissioners.

Mr. Lynch then reported on the Town Accountant position, saying that we have been keeping Bernie Meyler on weekends and nights to do reports and get the books ready to be closed. We will keep him at his existing salary until we hire someone new, and Mr. Logan said that this is small money to keep continuity in this department, app. \$1400.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to support the Town Manager's recommendation that the Town Accountant stay on through June 12th. It was noted that it is not unusual for one person to be Town Accountant in two towns. The applicants for Town Accountant will be reviewed on June 7th.

At 7:30 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn to meet with the Water Commissioners.

For the Board of Selectmen, by

John E. Carter

Town Clerk

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Joint meeting of the Town Moderator, Board of Selectmen and School Committee held Monday, March 29, 1993 at 6:45 p.m. at the Senior Center. The purpose of the meeting was to appoint the Chelmsford representative to the Nashoba Valley Technical School Committee for a 3-year term.

Present were Moderator Dennis McHugh, Selectmen William Logan, Richard DeFreitas, Peter Lawlor and Roger Blomgren and School Committee members Judith Mallette, Carl Olsson, Wendy Marcks and Barbara Ward. Selectman Jeffrey Brem and School Committee Chairman Mary Frantz were not present.

Moderator McHugh called the meeting to order at 6:50 p.m.

Ms. Ward and Mr. Logan as a sub-committee made a presentation to the group noting that they recommend that in the future we should publicize the NVTHS Committee openings more, possibly working with the Town Clerk's Office in conjunction with the Annual Town Elections.

NVTHS Supt. Bernholdt Nystrom and present NVTHS rep Thomas Carey were present and discussed ongoing contract negotiations, with Mr. Carey stating that he would like to remain a member of the negotiating team not as the Chelmsford permanent rep but as the alternate. Mr. Nystrom and Mr. Carey both support present alternate Samuel Poulten becoming the full time rep..

Motion by Mr. Logan, seconded by Ms. Ward to appoint Samuel Poulten as the full-time Chelmsford rep to the NVTHS Committee for a three-year term. Motion passed unanimously.

Motion by Mr. Olsson, seconded by Mr. Lawlor, to appoint Thomas Carey as the Chelmsford alternate to the Committee. Motion passed unanimously.

Ms. Ward moved, seconded by Mr. Logan, to proclaim Saturday, April 3, 1993 as "I Care for Kerry Nickerson Bone Marrow Drive Day". Motion passed unanimously.

The meeting adjourned so those present could join the LWV Candidates' Night.

Respectfully Submitted,

Judith E. Carter
Judith E. Carter for
Dennis McHugh, Town Moderator

Alan Clark

RECEIVED
93 JUL 27 PM 1:16

Regular meeting of the Board of Selectmen held Monday, June 7, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Richard Jerome, 118 Crooked Spring Road spoke to the Board on the sidewalk proposal that was approved by Town Meeting. He said he has seen two different plans of the proposed sidewalk in this area and asked the Board to look into the matter and clarify it. Mr. Lynch told him that there is some surveying work being done on all sidewalks now but there are no definite plans as yet and Mr. Logan added that the Traffic and Safety Committee has hired a surveying firm but no design work has been done.

Henry Emmet, 13 Smokerise Drive, said he had questions and observations re the Town's purchase of the "Pink House". He said he wouldn't have followed the "lay our cards on the table approach" since there is no terrific hurry. Mr. Lawlor told him to look at Chapter 30B, that the sale doesn't fall under that because it is unique, real property. The Board had an appraisal for \$343K but the seller asked \$360K, and Mr. Lawlor explained the eminent domain process and land damage action. Mr. DeFreitas told Mr. Emmet that an offer lower than \$360K was made but rejected and Mr. Logan said we really need that property for library expansion.

Chairman DeFreitas called the meeting to order at 7:30 p.m.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept the minutes of April 26, 1993 and May 10, 17 and 24, 1993, both Regular and Executive Sessions.

Ms. Catherine Frazer, New England Telephone, was present with two joint petitions from Mass. Electric and New England Telephone: 1. Crooked Spring Road - to place one pole to serve a new home; and 2. Surrey Lane - to place one pole to serve a new home by 6/30. Mr. Logan asked if there would be any problems if we put a hold on these petitions and Chris Marcotte, 11 Crooked Spring Road, said they had one pole put in at #9 Crooked Spring but they now need another to get to his house at #11 - he is the owner and also building the house.

Mr. Logan said we've had several accidents at Hunt and Littleton Roads and are trying to get both utilities up there. If it hurts residents he will not ask to put these petitions on hold but asked Ms. Frazer to put the pressure on the utility companies to get this work done asap.

Motion by Mr. Logan, seconded by Mr. Joyce, unan. to approve as stated above. Ms. Frazer said that if we have problems to contact her directly, and added that their legal department says we can't hold up a petition unless it affects the public good directly.

Under Reports, the Town Manager said that re the Center School the Sub-committee has been meeting and had an architectural study done. They are debating leasing vs. selling or taking the building back, and are meeting again this week. At the meeting with the FinCom and School Committee and BOS next week the Sub-committee will make its report. Mr. Logan asked that Lighthouse School Director Mike Pappafagos be invited to Monday's meeting. Mr. DeFreitas said the BOS could vote either next Monday or at the next meeting, and Mr. Lynch said that the major costs would be a new roof and complying with the ADL, a heating system and sewer tie-up, and that the major need in Town is a middle school, rather than elementary.

The Board then met with State Representative Carol Cleven and State Senator Lucile Hicks.

Rep. Cleven addressed the Board first, indicating that the Education Reform Act of 1993 passed the House on June 2, passed the Senate on June 3, will be coming back to the House for enactment tomorrow, then back to the Senate for enactment and then the Governor's desk for signing.

Ms. Cleven then explained the Choice issue, that the House wants a moratorium on any expansion of the choice program, and the Senate is seeking a mandatory choice - if seats are available. The compromise would be to continue it as it has been - the schools would have to opt to get out of it, not into; it can't involve more than 1% of the students in the State until 1997, then 2%; the Commonwealth will have to assume a higher share of the cost - the funding is calculated on a per pupil basis, with \$5500 being the average per student; transportation is provided only to a contiguous community; standards will be tougher in CORE subjects; they will do away with tenure for teachers, only merit; classification is allowed; the Early Retirement program will have a state-wide cap of 2500 the first two years; principals would have managerial powers; School Committees would only hire superintendents, who would do the rest of the hiring, and their function would be budgets, policies, setting goals and collective bargaining; a new feature is that the Town Manager would sit with the School Committee and have a vote; the new program would double the state contribution to schools, so that the amount would be getting back up to 50%. School lunches and transportation are not covered in foundation budgets.

Ms. Cleven then went over figures in various graphs she gave the Board, stating that the Executive Office of Education would not explain the figures to her.

Ms. Cleven said that in the draft of June 4th it is written into the bill that if the State doesn't fund, the Town doesn't have to fund. She served on the original funding committee.

Mr. Lawlor asked her as a former School Committee member what does she like and not like about the bill and Ms. Cleven said she doesn't like to see the responsibility of the SC lessened but

they can't pass the buck with this bill. She is concerned with the choice section - she basically supports it within the community but is opposed to its going outside until all is equal on a state-wide basis. She has not seen patronage in Chelmsford as an 18 year member of the SC, it happens more in cities and small towns.

Ms. Cleven explained her affirmative vote on the package, that it gets monies to the students, that we have a good system but it needs improvement, she wasn't happy with the package but some trade-offs make it worthwhile - the package sets up state-wide standards and most states have some type of graduation requirement. She said that urban schools tend to spend more money per pupil, but they need more services - security, social, medical programs, etc.

The Board then asked her questions about funding, etc. and Mr. DeFreitas commented that Chelmsford makes better use of our education money than many towns and Mr. Logan asked about alternative certification and Ms. Cleven explained it. She was asked how can we give credence without the money to do it and she said that the House figured extra money into their budget and say they will find the necessary money. Mr. Logan asked if the \$175mil doesn't appear will the bill be dead, and Mr. Lynch said that the reform won't be dead, only the funding and we are looking potentially at \$1.3 mil more. He understood that this was a loan to the Town and Ms. Cleven said that's been changed to a grant. Mr. Lynch said the increase in local aid would be reduced. Mr. Brem asked if we can show that more money is being spent on the schools by shifting costs such as plowing, insurance, etc. and Ms. Cleven said yes.

Senator Lucile Hicks then addressed the Board, stating that she had voted against the reform bill for a number of reasons: the way they worked out the funding was not right, they used bogus numbers and it will have to be re-worked in 2 - 3 years; she realizes that our school system is fine - this program is for schools that are failing, and our schools will continue to be good because we will tax ourselves to keep them that way; she doesn't think that tenure will actually be gone - only the word, and it is a good hard process to fire teachers. The bill should get rid of the huge disparity in funding across the state, but she doesn't think a lot is going to change. Mr. DeFreitas asked about academic performance and Ms. Hicks said it was not discussed and not factored in. We all understand we will have to make projective changes.

Mr. DeFreitas thanked them both for taking the time to come in for this discussion.

Under Reports, the Town Manager said that there are now 22 people requesting Early Retirement and the number may go up to 25. Nine firefighters are leaving and we have asked Civil Service for a new list. He and the Chief are looking into ways to cut overtime - by limiting vacation time and not using the ladder truck unless

needed and not using the back man on the pumper. New men can start July 1st if we get the list, and they get trained in the field, not at the academy. We will have to delay reopening the West Fire Station by a month or two. The Early Retirement program is going to have costs in FY93 but will show benefits in FY94. He will be going for a transfer in the employee benefit account.

Reporting on mosquitoes, Mr. Lynch said we have had many calls and the situation is quite bad. The Central Mass. Mosquito Control District is spraying now and we have put more money into the FY94 budget for spraying, since we didn't have the funds for larviciding this year.

He reported on roads, saying that we are doing a lot of paving, spending \$500,000 and since there is such a good price on paving materials right now we are working 6 and 7 days a week. He read a list of the roads being worked on. Mr. Brem asked that we send a letter to the state asking them to please repair the North Road and Westford Street bridges over Rte. 495.

On the North Town Hall, Mr. Lynch recommends that we go out for bid one more time with a \$50K minimum bid, and if not successful do a feasibility study with citizen input. Motion by Mr. Lawlor, seconded by Mr. Logan, to do so. Mr. Lynch will check with Town Counsel on a minimum bid - do we need one. Mr. Lawlor amended his motion to make the minimum bid \$45,000, seconded by Mr. Logan. Mr. Joyce said he thought that Mr. Lynmchy was going to come in with a proposal to make it a community center. Mr. Logan said we have school building needs, and outgrown fire and police stations that need more money and study than that building. Mr. DeFreitas suggested that we have residents of North Chelmsford give input over the summer. Mr. Brem said he knows of a quasi public agency would like the building, and suggested that the Town Manager contact various planning agencies to see if there are other quasi governmental agencies that might be interested. Mr. Lawlor re-worded his motion to state: place the North Town Hall out to bid with a minimum bid of \$45,000 and ask the Town Manager to investigate quasi public uses that may be made for that building, seconded by Mr. Logan. Vote on the motion was 3 in favor, 2 opposed (RDeF and RPJ).

On the matter of Public Safety consolidation, Mr. Lynch will bring his plan to the Board soon.

Mr. Lynch reported on the vote of No Confidence in Police Chief McKeon stating that it is not that unusual and should not be seen

as a crisis. We need to have patrolmen and the Chief work together, and he is going to try to bring them together. He and the Chief have been working on improvements and he listed several areas. He understands the patrolmen's position but also knows the Chief is trying. Mr. Lawlor told Mr. Lynch to tell the union to find more mature ways of handling their beefs and other Board members agreed.

Mr. DeFreitas reported that the Water Consolidation Sub-committee will meet Thursday, June 10 at 7:30 p.m. BOS members are Mr. Brem, CH, Mr. Lawlor and Mr. Joyce. This is a quorum of the Board of Selectmen but it is not a BOS meeting. Motion by Mr. Lawlor, seconded by Mr. Joyce unan. that the three members on the sub-committee will have no authority from the BOS to bind the BOS to any position which they individually or collectively take.

Mr. Joyce reported that he would like to have the sale of "silly string" outlawed at the 4th of July Parade. Mr. Lynch said we will have the Police Dept. go to all vendors on the 4th and 5th and tell them not to sell it.

Mr. Joyce also reported that we need to get electricity on the North Common and asked about putting in flag holders and borrowing the Center's flags when the parade is held in North again two years from now.

Mr. Logan reported on the Town Accountant Search Committee, noting that we received 26 applications and interviewed those qualified. They are recommending the Town Accountant from North Andover Jean Sullivan, who is well qualified and also has municipal experience and knowledge. Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to appoint Jean Sullivan to the position of Town Accountant at a salary of \$45,000 per annum, or the next step that reflects that figure. Mr. DeFreitas will notify her tomorrow. Mr. Lawlor and Mr. DeFreitas congratulated the sub-committee for a job well done.

Mr. Logan reported that he now sees where the school reform bill is coming from, and is glad that Ms. Cleven and Ms. Hicks came in.

On the subject of streetlights, Mr. Logan said he understands there has been a hold on them while the Town went out to bid and Mr. Lynch said that over the next few years we will be buying all our own streetlights, which will be more energy efficient and cost saving.

Mr. Logan reported that the Cross Town Trail had their first walk on Saturday. Board members got letters re problems on Golden Cove Road and Mr. Lynch is working on solving them.

Mr. Logan said that the Traffic and Safety Committee has concerns and problems with speeding and the Police Dept. says they don't have the manpower to patrol. The Committee wants the Board and the Town Manager to look at the re-implementation of the Traffic Squad as a priority project. Mr. Lynch said he would welcome a vote of that sort.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to ask the Town Manager to pass on to the Police Chief that traffic control should be more of a priority.

Mr Brem reported on dedications held over the weekend: the Fred Driscoll Pump Station on Mill Road; the Margaret Robbins Mills Reservation on Crooked Spring Road and the Cross Town Trail.

He reported that the Recreation Commission held a very successful Red Sox Family Night.

Mr. Brem asked Mr. Lynch if we have any stone arch bridges in Town and he said he will ask DPW Director Pearson.

Mr. Brem reflected on the new businesses that have opened in Town over the past year and said he sees the recession trend heading the other way.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the St. Vartanantz request for a one-day All Alcoholic license for June 13th.

Under Policies, Mr. Logan said he will have a policy to review at the next meeting.

Under Appointments, Mr. DeFreitas asked Board members to complete and return the liaison questionnaire to him.

At 10:15 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

John Clark

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Regular meeting of the Board of Selectmen held Monday, June 28, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Henrick R. Johnson, Jr. 53 Stonegate Road, spoke on the Center School matter, saying that six years ago when he was on the Board of Selectmen the Lighthouse School signed the lease for the Center School and they have lived up to all their obligations and are using the building as a school. They are good neighbors and we may not find that we need school space in five years when they will have to vacate if we recall the building. He urged the Board not to vote to recall.

Susan Brooks, 20 Sunset Avenue, questioned the engineering report that had been done on the Center School building noting that waivers would be required in some instances and asked what it would cost if waivers were not granted, and said we should look into the safety record of the ramp area. She urged the Board to make an informed decision to benefit all the children.

John O'Connell, 25 Longmeadow Road, had written the Board a letter re the Town's plans for automation, recommending that the RFP for the Fire/Police Computer system be amended and went over the points in his letter dated June 28th.

Town Manager Lynch responded, noting that Mr. O'Connell's history is quite accurate and he is trying to find a way to utilize his expertise. He is pleased with the progress that the Data Processing people and the police and fire staffs have made. Mr. Logan asked that Mr. Lynch and Mr. O'Connell meet and they said that they met 10 days ago but didn't discuss the RFP. Mr. Lynch said they will meet again soon and that Mr. O'Connell's letter was very helpful.

Chairman DeFreitas called the meeting to order at 7:30 p.m.

Bob Murray, Chelmsford Elks, was present to update the Board on the July 4th Parade. He said the parade is larger than in recent years, with 8 or 9 musical units, and asked the Board and Town Manager to march. The float judges will be Grand Marshall Maureen Perry, Father Mike from St. Mary's, Independent Editor Lucile Daniels and a BOS member. Motion by Mr. Joyce, seconded by Mr. Lawlor, unan. to appoint Mr. Brem the BOS judge. Mr. Murray said the floats will be in two categories - business and non-business.

Mr. Lawlor read a Proclamation for Maureen Perry, Parade Grand Marshall, calling Monday, July 5, 1993 Maureen Perry Day in Town. Mr. Murray said that the Elks would like to have more names submitted for Grand Marshall next year.

Walter Hedlund, CH Celebrations Committee, met with the Board to discuss final plans for the 4th Celebration. He asked residents to not place chairs along North Road until after the Band Concert at 9 pm on Sunday night. This is a voluntary request this year, but may have to be mandatory in the future because people are tripping over chairs in the dark. Mr. DeFreitas asked the Town Manager to let the police know this. Mr. Hedlund thanked the Michaud Bus Company for providing a shuttle bus from Purity to McCarthy School.

At 7:45 p.m. Attorney Joseph Shanahan represented Robert Figenbaum, BO-MAR-FIG, INC. d/b/a North Chelmsford Wine and Liquor at a Public Hearing held on their application for a change in location from 2 Vinal Square to 40 Vinal Square. Mr. Shanahan said that Mr. Figenbaum has been renting a 1700 sq. ft. area from Charles Parlee and is now purchasing the building at 40 Vinal Square, the old Paramount Lounge. This building is 10,000 sq. ft. with on street parking plus the municipal parking lot, and he will take 4,000 sq. ft. as his business, with more room for storage and floor displays. He is also seeking to pledge his license to First Trade Savings Bank.

No one present wished to speak in favor of or opposition to this application.

Mr. Lawlor questioned the parking and Mr. Shanahan said there is also an extra half-acre of land in the rear that could be used. Motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the change in location and pledge of the license, subject to ABCC approval. Vote was 4 in favor, 1 abstention (Mr. Logan).

The Board then held a Public Hearing on the application of Burger King for a Common Victualer license to be exercised on the premises at Unit 1, The Marketplace, Summer Street. Mr. Joyce stepped down from the hearing as he leases the adjoining space and may have a conflict of interest.

Atty. Shanahan represented Burger King Corp. of Amherst, NH. They are leasing the 1600 sq. ft. bay and are using a new concept - an "in line" operation of leasing space in strip malls rather than putting up a new free-standing building. This will eliminate the drive-thru aspect but it will still be a fast food operation and also sit-down. They will be spending \$100,000 for construction within the unit and hiring 20 new employees. The hours requested are 10 am - 10 pm Sun. thru Thurs. and 10 am - 11 pm on Fri. and Sat. The basic floor plan will be the same as it was when Subway Sandwiches occupied the space. There is seating for 38 people, and eliminating the drive-up window eliminates 60% of the traffic.

No one present spoke in favor, and Dick Russell, 14 Brook Street, said that the facility abuts a residential neighborhood and asked how will they control fried food odors. Mr. Shanahan said they will comply with Board of Health regulations regarding

emissions. Mr. Russell said he picks up a barrel full of trash every week and what will they do to police the neighborhood for food wrappers, etc. Mr. Shanahan said the landlord is aware of the trash situation and Burger King will do what it can to keep the litter down.

Domenic Romano, 11 Rivermeadow Drive, said that 17 years ago there was a restrictive use of restaurants and the neighbors had a covenant with the mall owners. He asked why hasn't the Town enforced the covenant - there is a creeping increase in the number of restaurants and Burger King is completely counter to the covenant. Attorney Shanahan said he is not familiar with any covenant, that the zoning was different 20 years ago but it is now a CC (shopping center) zone. Septic disposal has been a problem but we now have municipal sewerage. This Burger King will not be a massive operation, only 20% the size of the Drum Hill restaurant. Mr. Romano said he will try to obtain a copy of the covenant for the Board.

Mr. Shanahan said the parking is OK for a shopping center which is shared by all the tenants. There are at least 11 vacant bays now and more than adequate parking. He will point out the Board's concerns regarding parking to both the tenant and the landlord. He pointed out that the Board of Appeals voted 5 - 0 to grant the Special Permit and that the Planning Board would not approve placing trash barrels in the parking lot unless they were shown on the original site plan.

Motion by Mr. Lawlor, seconded by Mr. Logan, to approve a Common Victualer license for Burger King at Unit 1, Summer Street subject to completion of the appeal period running with the Board of Appeals decision. Vote on the motion to grant was 3 in favor, 1 opposed (JAB), 1 abstention (RPJ).

Mr. Joyce rejoined the meeting.

A Public Hearing was then held on the application of R & P Auto Sales for a Class II Auto Dealer's license at One Oak Street. Paul Murphy, Jr. told the Board that he wants to sell only 1 - 2 cars at a time, by appointment only, and submitted a plot plan for Bay 9. He said cars will not be parked along the roadway. The landlord Richard Roper has given his approval for this license and Mr. Logan brought up the fact that Mr. Roper owes three years back real estate taxes on this building. Mr. Lawlor said he feels that this fact is outside the Board's bounds in judging the application when the landlord is not the applicant. Mr. Lynch said that Mr. Murphy should let the landlord know this and also that the water must be turned on before the Board of Health will give occupancy approval.

Motion by Mr. Logan, seconded by Mr. Joyce for discussion, that we ask for Town Counsel's opinion as to whether the Board can hold up an application for non-payment of taxes, ask the Board of Health to make a full inspection of the property and put off any vote on the application until July 15th. Mr. DeFreitas said that this is no reflection on Mr. Murphy Sr. or Jr.. Vote was 4 in favor, 1 opposed (Mr. Lawlor).

At 8:45 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to re-open the Public Hearing on BO-MAR-FIG since it was incorrectly advertised for 8:25 p.m. not 7:45 p.m. as sent to the newspaper.

Mr. Shanahan again made his presentation to the Board and Mr. DeFreitas asked if anyone present wishes to speak.

Rev. Alan Hardy, minister at the North Congregational Church, questioned the law re a church being within 500 feet of the premises being licensed and Mr. Shanahan told him that until 5 years ago if a church within 500 feet disapproved of a license the Town couldn't grant it. The law has now been changed and a church or school has the same status as any other abutter. Mr. Hardy said he and the congregation have no complaints.

Mr. Shanahan said the hours on Sunday will be 12 noon - 8:00 P.M. and told Mr. Hardy they will be notified if there are any transfers or changes in the operation.

George Merrill, Dunstable Road, said if they could locate the door on the west side of the building it would be more than 500 feet from the church steps, which has been the practice since the 1700's. Mr. Shanahan said this would be a problem, since the floor plan is based on the front door being as shown on the plan. At 8:55 p.m. the hearing was closed and motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the transfer of location and the pledge of the license to First Trade Union Savings Bank as the lien holder. Vote was 4 in favor, 1 abstention (Mr. Logan).

A Public Hearing was then held on the application of A+ Auto Sales to sell used cars at 10 Wesley Street. Attorney Shanahan represented the applicant, noting that Sun Total Systems Inc. owns the 12,000 sq. ft. lot at the corner of Wesley Street and Plymouth Street. Peter Frassica, whose family owns Sunoco presently is operating A+ Auto Body at the Wesley Street address and wants to repair and sell cars also. He obtained a Special Permit from the Board of Appeals on April 22 to sell up to 10 cars there. Mr. Frassica had previously had a Special Permit to lease vehicles at that address.

No one spoke in favor of or opposition to this application. The hours requested are 8 am - 5 pm Monday through Saturday.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the application subject to the hours stated and that no work be performed on any vehicles outside the building.

A Public Hearing was held on the application of Chelmsford Auto Sales, Richard M. Wheeler, President to move his business from 123 Princeton Street to 5 Sleeper Street. His partnership was dissolved in 1993 and Mr. Wheeler wants to continue as a wholesaler only, to purchase vehicles at the Concord Auction and then sell to other dealers. There has to be a holding period of 4 days but there will be no new activity, this will be strictly for storage of vehicles and there is already a junkyard on the street.

No one present spoke in favor of or opposition to this application.

The report from the Building Inspector recommends limiting to two cars only and Attorney Shanahan said he wants 20. Mr. Shanahan and the Adm. Asst. will check with the Building Inspector. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to leave this hearing open and continue it to July 15th.

A Public Hearing was held on the application of Robert L. Hughes, CHRISDANBETH, Inc. with regard to the All Alcoholic restaurant license exercised on the premises known as the Glenview Lounge, 248 Princeton Blvd. for 1. a change in manager from Paul C. Hart to Robert L. Hughes; 2. transfer of the stock in CHRISDANBETH, Inc. from Paul C. Hart and Helen L. Hart to Robert L. Hughes; 3. a pledge of the stock in CHRISDANBETH, Inc. and the subject license held by CHRISDANBETH, Inc. from Robert L. Hughes to Paul C. Hart and Helen L. Hart; and 4. a change in officers, directors and stockholders in CHRISDANBETH, Inc.

Attorney Shanahan addressed the Board, saying that Mr. Hart bought the restaurant in 1984 and now wants to retire from the restaurant business but retain the building as real estate. Mr. Hughes has 25 years experience in the liquor business, some of it as assistant manager of the Glenview, and will take over a trained staff. Any new personnel will be trained in the sale and handling of alcohol.

No one present was in favor of or opposed to this transfer. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the transfer and pledges as requested.

The issue of the recalling of the Center School was then discussed under Unfinished Business.

Cheryl Boss of the Finance Committee spoke, saying that a sub-committee had been appointed and they were not represented. The FinCom has many questions and what if's. There has been no appraisal of the school, all the information has been word of mouth and it is completely impossible for the FinCom to make a recommendation at this time.

Mr. DeFreitas said the omission of the FinCom on the sub-committee was an oversight, but that no one at the meeting two weeks ago had much information, and the BOS has done a lot of homework.

Barbara Ward, CH School Comm., said that the School Comm. voted to ask the BOS to recall the Center Schol, as stipulated in the agreement signed by both boards in 1989, when much time was spent on the lease with Lighthouse School.

Dr. Richard Moser, Supt. of Schools, addressed the Board, stating that the underlying issues are: 1. why bring it back if it won't solve the problem, and it does work through 1988 - can it still

work in 98/99. Unknowns are: population in 6 - 10 years; prospect of full day kindergarten, and early childhood education (pre-school).

2. temporary housing - the potential of using church facilities for kindergarten.

3. Financing - the cost of bringing the Center School back. To renovate is \$871,000 and he added another \$300,000 - all subject to the 64% refund in State aid so it will cost app. \$400,000. He added that he is not insensitive to the needs of the Lighthouse School but he has to consider what is best for all the children in Chelmsford.

Dr. Mike Pappafagos, Executive Director of the Lighthouse School, spoke, stating that the issue is not about a municipal building and its tenants but about 175 students and over 100 employees, mostly from Chelmsford. He knows that all involved did what they had to do and kept their integrity.

He believes that mutual interests can best be served by the sale of the Center School to the Lighthouse School and that 3 issues are involved - what is best for Chelmsford, best for Lighthouse and best for the children of both. He gave many facts about Lighthouse School, stressing community involvement and the fact that the school is nationally recognized.

Dr. Pappafagos said the school will pay the Town \$2,500,000 and gave figures on how the Town could save and even build a new school. He urged Board members to vote against the recall and explore the benefits associated with the sale.

Bob Burns, Clinical Coordinator at Lighthouse School, said they take children who can't go to any other school and really need Lighthouse. He added that any change is devastating to special needs children.

Nick Richards with his daughter Laura spoke to the Board and said he is so pleased with the progress that Laura, who is autistic, has made and doesn't know what would happen if she could not attend their programs.

Town Manager Lynch said he has been on both sub-committees in 1989 and 1992, and doesn't want to harm the Lighthouse School. However, looking at the long term financial impact on the Town and based on the numbers he has to recommend that it is best to recall the building.

A lengthy discussion took place on cost estimates and various financing possibilities. Board members read prepared statements, with both Mr. Joyce and Mr. Brem referencing the agreement of 1989 between the School Comm. and the BOS and stating that they will honor that agreement. Mr. Logan asked why recall a school building that's outdated, and are we being fiscally prudent. He asked the Board to do the right thing and sell the building to Lighthouse.

Motion by Mr. Lawlor, seconded by Mr. Joyce for discussion, not recall the Center School at this time. Mr. Lawlor said that the FinCom has been left out and we need their advice. He respects the School Committee but we don't always have to go along with them. He doesn't think that the Board has the numbers to decide and we don't even know the value of the school. There is a divergence of opinion in the community. Vote on the motion was 2 in favor (PVL and WRL), 3 opposed (RPJ, JAB and RDeF).

Motion by Mr. Joyce, seconded by Mr. Brem that pursuant to the request of the School Committee that we vote to recall the Center School. Vote was 3 in favor (RPJ, JAB and RDeF) 2 opposed (PVL and WRL) to recall.

At 11:00 p.m. Mr. Joyce moved to suspend the Board's rule and continue business after 11:00 p.m. Vote was unanimous to do so.

Under Reports, Mr. Lawlor said that there is a tentative joint meeting of the Water Commissioners on July 8th. Mr. Lawlor stated that at the meeting on June 7th we discussed the vote of No Confidence taken by the Police Dept. and he wants to communicate to the BOS, townspeople and Local 341 for the manner in which he communicated his displeasure.

Mr. Joyce said he wants a full report on rubbish disposal for last year at the July 26th meeting. He has heard residents express concern that the 3rd Harbor Tunnel dredging is going to be used to cap the Lowell Landfill. Mr. Logan said this is not true, that it is going to cap Spectacle Island in Bosotn Harbor.

Under New Business Mr. Lawlor said he wants to have the BOS work with the Town Manager to look into withdrawing from the LRTA; we may be able to provide the same service at less cost.

Motion by Mr. Lawlor, seconded by Mr. Joyce, that the Board consider whether or no to withdraw Chelmsford from the LRTA and that a sub-committee be formed with the manager to look into the matter. Vote was 4 in favor, 1 opposed (Mr. Brem). Chairman DeFreitas appointed Mr. Lawlor and Mr. Joyce to form an LRTA sub-committee.

Mr. Lawlor said he will have some ideas on Southwell Field at the next meeting and Mr. Brem said he will bring up fiscal responsibility at the July 26th meeting.

Under Policies Previously Presented, Mr. Logan's policy to have the State Rep. and State Sen. attend the opening session of each annual town meeting to report on any legislative action that might pertain to Chelmsford was brought up.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adopt this policy.

Mr. Logan said he is presenting a new policy re the use of Town-owned vehicles - they must be garaged at the place of business, the Town seal and dept. displayed prominently, with exceptions to be granted by the Town Manager and annual review by the Board of Selectmen.

Mr. Brem said he is going to bring up as a new policy that each license applicant is to furnish a photocopy of the Assessor's map and a topographical map.

Under Appointments, Mr. Lynch said that there are no major changes in the annual appointments, but 2 new members on the Cultural Council, George Merrill on the Historical Commission, an alternate to the Board of Appeals. He then listed the committee vacancies.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the Town Manager's appointments. Vote was 4 - 1 opposed (Mr. Logan).

Mr. DeFreitas said he will appoint BOS liaisons at the next meeting, and appointed Selectmen Lawlor and Logan to the Public Safety Sub-committee.

The Town Manager said he has appointed Captain Armand Caron as Acting Police Chief and Deputy James Sousa as Acting Fire Chief. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept these appointments. Mr. Lynch told the Board that they do get cars and additional compensation but not the benefits of the former chiefs.

Under Contract Awards, Mr. Lynch said that the health re-insurance contract has been awarded to INA. Motion PVL, second RPJ, unan. to approve.

Motion by PVL. second RPJ, unan. to approve the awarding of the Workers Comp. policy to MIIA for \$280,803. Mr. Brem wants to be on a sub-committee next year to review the Workers Comp. policy.

Motion by PVL, second RPJ, unan. to approve the award of the General Liability policies to Great American for \$120,000.

Mr. Lynch said the Streetlights contract has been awarded to Standard Electric for \$1,000 less than originally estimated - \$78,677. Motion by WRL, second by RPJ, to approve. Vote was 4 in favor, 1 opposed (JAB).

Mr. Lynch said that under Audit Services Brown & Barrett will audit FY's 94, 95 and 96 at \$19,000 per year. Motion by PVL, second by WRL, to approve. Mr. Joyce said he is opposed because it is a multi-year contract and he feels it is not good to keep one auditor for too long.

Mr. Lawlor withdrew his motion and moved to ask the Town Manager to solicit one and two year proposals, seconded by RPJ, unan.

Mr. Lynch told the Board that the Highway Guard Rail bid was awarded to Fences Unlimited. Motion by PVL, second by JAB, unan. to approve.

Mr. Lynch said that the Highway Dept. Materials/Services have all been awarded to the low bidders. Motion by Mr. Logan, second by Mr. Brem, unan. to approve 3, 5A, 5B, 8, 9, 10 and 12, taking out #'s 6 and 7.

Motion by WRL, second by JAB, unan. to award #7 to Highway Markings, Inc.

Motion by RPJ, second by PVL, to award #6 as recommended. Vote was 4 in favor, 1 abstention (WRL).

Motion by JAB, seconded by RPJ, unan. to approve the bid award for Office Supplies to Paulson Office Supplies.

Motion by WRL, second by RPJ, to approve the Middlesex Street Bridge as recommended. Vote was 4 in favor, 1 abstention (JAB).

Motion by PVL, second by RPJ, unan. to approve the award of the Crack Sealing Bid to Seal Coating Inc.

At 11:58 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn the meeting.

For the Board of Selectmen, by

John E. Carter

93 SEP 20 PM 4:16

Work Session of the Board of Selectmen held Thursday, July 15, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

Donald Quebec from Am. Legion Post 313 was present requesting a One-day only Beer and Wine license for July 26th. The street will be closed off and they will notify the Police and Fire Depts. The deck won't be used. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

Peter DeCastro, Manager of Bainbridge's Restaurant, was present requesting 4 Automatic Amusement licenses for games in their lounge. These machines have been approved by the Building Inspector and the Police Chief. The Board put on a restriction that there be no payoffs on any winnings. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the request, subject to the restriction that they not pay off on any winnings.

Paul R. Murphy, Sr. was present to learn the Board's decision on the request of R and P Auto Sales for a Class II Auto Dealer license at 7 Oak Street. Mr. DeFreitas reconvened the Public Hearing and read Town Counsel's opinion stating that the BOS cannot withhold a license in the case of back taxes being owed unless the property owner is the applicant. Mr. Murphy explained that when he rented the property from Mr. Roper he didn't know that the taxes hadn't been paid and that he has already paid 3 months rent. He is going to show only 1 or 2 cars at a time and wouldn't have rented there if he had known. No one present was in favor of or opposed to this application. Mr. DeFreitas closed the hearing and read a letter from the Board of Health stating that there is no oversight on the part of the owner re hazardous waste. He told Mr. Murphy that this is no reflection on him, that the BOS wants the property owner to know that we are aware of his operation. Mr. Lawlor said he has looked into the matter since the last meeting and has heard that Mr. Roper is in bankruptcy and the Board could ask to have Mr. Murphy's rent applied to Mr. Roper's back taxes. Mr. Murphy said he will have the property clean before they open for business and the BOS, Fire Dept. and Board of Health are all welcome to inspect. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant the license subject to: prior to having any vehicles on the property that hot and cold running water be restored, a Certificate of Occupancy be issued by the Building Inspector and his area be cleaned to the satisfaction of the Board of Health. Vote on the motion was 4 in favor, 1 abstention (Mr. Brem).

Mr. Logan asked to have Finance Director Fred Mansfield present at the next BOS meeting to discuss back taxes.

Mr. DeFreitas re-opened the Public Hearing on the Class II Auto Dealer application of Chelmsford Auto Sales Inc. to operate at 5 Sleeper Street. Attorney Joseph B. Shanahan, Jr. represented the owner Richard Wheeler, stating that he has submitted a new plan to the Building Inspector and he is allowing a maximum of 12 vehicles. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve issuing this license.

At 7:40 p.m. the Board recessed until 8:00 p.m.

At 8:00 p.m. the Board met with the Water Commissioners from the North, Center and East Districts.

Center Commissioner Ronald Wetmore spoke for the Districts, referencing the opinion received from Attorney Orcutt and stating that the BOS has the right to attend Water District meetings but doesn't have the right to disrupt and take over. The joint committees should be able to work in the future with the roles defined. He recommends dissolving the present sub-committee since the reason for it no longer exists.

Chairman DeFreitas then read a statement, noting that our Town Counsel is reviewing Mr. Orcutt's opinion and that neither opinion addresses the advisability of consolidating the water districts but options on dissolving the separate districts. Mr. DeFreitas said it makes sense to keep the sub-committee active and to poll the water takers, and he doesn't want to see the water district under the DPW. If the sub-committee doesn't continue its work the BOS will put an article before Town Meeting.

Much discussion took place back and forth, with the BOS recommending that the sub-committee stay in place and the Water Commissioners stating they felt no need for it, that they need a cooling off period. No decision was reached.

At 9:15 p.m. the Board went into a Work Session on Long-range Planning. Mr. Brem and Mr. Lynch had put together a Vision Statement, which they went over with the other Board members. Mr. Brem said he would like to have the BOS approve the Vision Statement tonight.

Mr. Brem said that we need to evaluate the current climate - where are we today and where do we want to be - and suggested various ways to do this: simple 10 - 15 question citizen survey, departmental reviews, manager's report - where he thinks the Town should be. Mr. Brem said they could then set goals (15 - 25) to be prioritized and put in a pattern (web) that would not be static but always moving. We would then write a report from the web and a narrative and directions for implementation. He and Mr. Lynch want it completed by December. Mr. Brem asked each BOS member to submit a list of

draft goals and said this should be done by the whole Board, not a sub-committee.

Mr. Brem read the Vision Statement and Mr. Logan questioned the non-discriminatory manner phrase, saying this not really true when we have tax Classification.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adopt the Vision Statement as amended (leaving out non-discriminatory manner).

Mr. Lawlor said the Board needs to reach a concerns - do we want to go forward with Water District consolidation or not. Mr. Logan said the Board should discuss it among ourselves but Mr. Joyce said we should decide asap and Mr. DeFreitas said we don't want to lose touch with the Water Commissioners. Mr. Joyce also mentioned fixing water pipes in the Westlands section while the sewers are going in, that the Water Districts have used a band-aid approach to replacing old pipes in the past and this would be a logical time to do the work.

At 9:45 p.m. motion by Mr. Brem. seconded by Mr. Logan, unan. to adjourn.

For the Board of Selectmen, by

John E. Cat

93 SEP 28 PM 4:16

Regular meeting of the Board of Selectmen held Monday, July 26, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Tom Mills, 21 Wagontrail Road, addressed the Board on the subject of trash and recycling. He had asked for the FY93 budget, actual figures and FY94 budget. Mr. Mills had projected tonnage and expenses and said that for FY93 the expenses should be \$1.3 mil, and we had budgeted for \$1.6 mil from the tax rate. He asked why the \$300,000 surplus. Mr. Lynch said that his figures were very good that his tonnage was only off by 2 tons and the actual costs were \$1.387 mil. If we have an adequate amount of Free Cash we can vote at the Fall ATM to reduce the FY94 tax rate.

Mr. Mills complained about the recycling program, stating that nothing has increased since FY90 and the collection costs are doubling. He went to the recycling plant in Rochester, NH and felt things are not going well. Mr. Lynch told him that he hasn't considered that we are having another 2500 residential units picked up since FY90.

Maureen McKeon, 6 Ansie Road, spoke to the Board re the Center School recall, stating that she has had 5 kids go through the CH School system and all are college graduates. She had sent a letter a few weeks ago and still has questions - 1. a clearer cost of a new building; 2. why was the recommendation of the FinCom ignored and no appraisal made 3. if the school administration moves, why can't Parker become a Middle School; 4. if we buy portable classrooms, can we sell them later; 5. there were 9,000 students in the system in the late 70's, now only 5,000; and 6. ask the taxpayers if they want to fund a new school.

Susan Brooks, 20 Sunset Avenue, spoke about the ramp issue, asking if the State will grant a waiver, that there are 2 ramps in the Center School - one large ramp into the gym and two small narrow ramps into the cafeteria. The School Dept. feels that the State would grant a waiver but she thinks we should figure in the cost of re-structuring the ramps in to any remodeling figure. She submitted a petition requesting the Board to vote against a recall if it comes up again.

Dennis Ready, 2 Abbott Lane and former Selectman, said he wants to share the thought process on leasing the Center School - in 1981- 82 the School Dept. told the BOS that they didn't need the school right then but could in the 10 - 15 years. The School Comm. turned the school over to the BOS so they could lease it. Town Meeting approved with the stipulation that the School Committee could recall the building and thus the BOS technically has to recall it. Mr. Logan asked if he would be willing to ask Town Mtg. again in 1993 and Mr. Ready said yes, that times have changed.

Barbara Ward, School Comm. Chairman, said they have heard that Mr. Logan may ask for reconsideration of the recall vote and she asked that the School Comm. be allowed to participate in the discussion.

At 7:30 p.m Chairman DeFreitas called the meeting to order, noting that all members are present and asked for a Moment of Silence for Bruce Knowles and Margaret Mills.

Mr. DeFreitas presented a Certificate of Appreciation to the Chelmsford Community Band for their outstanding musical programs, accepted by Albert Bates.

Mr. Logan asked to change the fourth paragraph on the first page in the minutes of June 7th. Motion by Mr. Logan, seconded by Mr. Joyce, unan. to approve the minutes with the change. (Chairman DeFreitas, not Logan). Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve the minutes of June 28, amended to include the vote on Burger King CVL (3 in favor, 1 abstention (RPJ), 1 opposed (JAB)).

Motion by Mr. Logan, seconded by Mr. Lawlor, to approve the minutes of March 29, joint meeting with the School Committee. Vote was 3 in favor (WRL, PVL and RDeF). Mr. Brem was not present at that meeting and Mr. Joyce had not yet been elected to the BOS.

Kathleen Hillman from the KEEP (Koalition for Enlightened Environmental Policies) group was present to discuss Senate Bill #990 with the Board. Ms. Hillman said that this would take away Home Rule responsibility for animals and transfer it to the Division of Fisheries and Wildlife. It would cut out requiring written permission to go on private property. Senator Hicks is opposed to the bill; it is in the Ways and Means Committee now and Ms. Hillman feels that all Towns should be opposed. Mr. Lyna said he had spoken to the MMA and they oppose any bill that would take powers away from local governments. Mr. Lawlor asked if opposing this bill means opposing trapping and she said no. Ms. Hillman said that she is not aware of any Public Hearings on the bill but the Mass. Conservation Commission opposed it when the bill was in the Natural Resources Committee. The Chelmsford Conservation Commission has not voted on it yet. Motion by Mr. Lawlor, seconded by Mr. Joyce, to oppose bill 990. Mr. Logan said he wants our Consv. Comm. to advise the BOS before we vote, but Mr. Lawlor said this has to do with issues of municipal autonomy. It was decided that letters will be sent to both Sen. Hicks and Rep. Clevon (asking her to oppose the bill if it reaches the House). Vote was 4 in favor, 1 abstention (WRL).

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The Board then discussed three (3) 1-day liquor licenses requested by St. Vartanantz Armenian Church:

1. Sat. August 7: Wedding, 12 noon - 6 pm All Alcoholic
2. Sun. August 8: Church Festival, 12 noon - 7 pm Beer and Wine
3. Sun. August 15: Church Picnic, 12 noon - 7 pm Beer and Wine

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve these three 1-day licenses as requested.

Mr. Lynch told the Board that he had received a letter from Town Counsel Harrington re the KAP liquor license, noting that the BOS had granted an All Alcoholic Package Goods Store license to them last January on a month-to-month basis and the license expired the end of February. In May the Board granted a new license at the same location and the ABCC looks at this as a possible transfer and will be making a decision tomorrow. Mr. Harrington is recommending that a hearing be set up for the next Board meeting to revoke the KAP license. Mr. DeFreitas stated that on the advice of Town Counsel we didn't revoke it but let it lapse, and Mr. Lynch said that the ABCC is not aware that we held a hearing to revoke the license last October. The ABCC doesn't consider a license issued for only 2 months - it is issued for the calendar year.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to schedule a Public Hearing for August 23 contingent on the vote of the ABCC July 27th for the purpose of confirming our revocation of the KAP liquor license.

Under Town Manager Reports, Mr. Lynch asked Finance Director Fred Mansfield to report on the tax situation at 7 Oak Street where R and P Auto Sales is renting space. Mr. Mansfield said that this trust is being treated like everyone else - they are delinquent on their 1991 RE Taxes and were brought into Tax Title on April 1, 1993. There is a lien against the property and 6 months from now we will petition the Land Court to foreclose. Mr. Logan commented that the BOS is concerned that we are issuing licenses to tenants who are paying rent to landlords who are not paying their taxes. Mr. Mansfield said that the Town has been late in bringing taxes into Tax Title but we will be up to date soon. Mr. Logan asked if there is a procedure to attach rents to be used toward taxes and Mr. Lynch will check with Town Counsel. Mr. Mansfield said we have totally outstanding taxes of \$2,500,000, or about 7%, almost equal 50% residential and 50% commercial. Mr. Lawlor said that in the case of foreclosure, towns come ahead of banks - we get the total amount owed before the mortgage holder gets anything.

Under Reports, the Town Manager reported re staffing in the Fire Dept. that we are currently selecting 9 new firefighters and must have them in place before we can re-open the West Fire station in the Fall.

He reported that the State Budget has been passed, with an additional \$20 mil in Local Aid. This means app. \$80,000 for Chelmsford which will be added to FY94 Revenue Projections. Re the Snow and Ice Account, the Governor has added funds in the Supplemental Budget and Chelmsford would get app. \$90,000 towards our \$250,000 deficit and the other \$150,000 is budgeted in FY94.

Mr. Lynch noted that additional money coming to the School Department will be \$1 - \$2 mil. Supt. Dick Moser who was present said we will definitely get \$510,000 plus \$7 - \$800,000 more.

The Town Manager reported on the Hunt and Littleton Roads traffic signal, the project has gone out to bid and been awarded but the utility companies have been dragging, and the sub-contractor can't come at this point. Kaminsky Electric is ready to install the lights but they need a new sub-contractor for the site work.

Mr. Lawlor asked Mr Lynch to elaborate on the work done at Varney Playground. Mr. Lynch said most of the work was done on the shed - they installed a sewage pumping tank, upgraded the electrical service, installed vandal resistant wiring, spruced up the bathrooms, loamed and seeded, removed several trees. He said this has been a joint effort of all the divisions of the DPW. There is new signage at the spillway and they have placed more boulders there. No maintenance had been done since recommendations made in 1978. Mr. Lawlor said that it looks a lot better than last year, that the DPW has done a good job but there is still a way to go, although great strides have been made. Mr. Lynch said that DPW Director Jim Pearson indicates he has only spent app. \$3,000 on materials and Mr. Lynch praised Eddie Jamros, saying that he has been the moving force in all the park problems.

Mr. Lynch referred to the Solid Waste Report, saying that we will pass back any savings to the taxpayers at the Fall ATM. He added that we may have savings again in FY94 to reduce the tax rate in FY95. Recycling represents 15 - 16% of total waste collected and our major goal is to reduce the amount of waste through recycling. If we count in the condos and multi-families they don't recycle as much. Mr. Lawlor said he is concerned about the amount of recycled goods that is not actually recycled. Mr Lynch said he will follow up on that.

The Board then presented a Certificate of Appreciation to Aurelia Falk for her time spent reporting for the Chelmsford Newsweekly. Mr. DeFreitas said she is a top notch reporter who is going back home to Louisiana to study for her Master's Degree in Political Science and Public Administration. He added that the Board will miss her and her articles and wishes her well.

Under Board Reports, Mr. DeFreitas said that he has started appointing sub-committees and that this process appears to be working well. The first committee was set up to select the Town Accountant, and we now have subcommittees on the LRTA, Public Safety and Water Consolidation.

Mr. Lawlor reported that he and Mr. Joyce are on the LRTA Sub-committee and have had two meetings - one with Bob Kennedy, Director when we let him know the Town's concerns. The Town is on a fixed route - 47,000 trips were taken last year, which breaks down to 150 trips, or 75 riders, per day. The LRTA doesn't have demographics and agrees that they should do a survey. The second meeting was with John Emerson, the Town's LRTA rep. and he will give the sub-committee a lot more input.

Mr. Lawlor said that he and Mr. Logan are on the Public Safety Sub-committee. They have also held two meetings - the first with the Town Manager to hear his proposal - a single Public Safety Director over both Police and Fire administration. Tonight they have met with Acting Police and Fire Chiefs, second tier management and the Union presidents. We have a great deal to learn from them and Mr. Logan has been contacting other towns with Public Safety Directors. Mr. Logan said that both meetings have been very productive, that we had a very representative body tonight and we need input on this change in philosophy.

Mr. Brem reported on the Water Consolidation Sub-committee, stating that he, Mr. Lawlor and Mr. Joyce and one Commissioner from each Water District met in June. It was proposed that there should be a survey of the water takers in the community. The Commissioners were to meet themselves after that meeting. At the full committee meeting on July 15 the Commissioners presented a legal opinion that was different from our Town Counsel's. At that meeting most of the Water Commissioners wanted to either postpone the work of the sub-committee or to disband it and the BOS agreed to take the consolidation issue under advisement.

Mr. DeFreitas said it was reported in the paper that he and Ron Wetmore had lunch together. He said they did, and they are suggesting that we form a committee in the future, a cooperative committee, with one BOS member and one Commissioner from each district - to share concerns and information. He added that the commissioners are vehemently

opposed to consolidation if proposed by the outside.

Mr. DeFreitas reported that the Board will conduct an open session review of the Town Manager at the next meeting. This will be a review of his performance as directed by the Charter and the BOS, not a debate re Town Meeting, Charter, power of the BOS, etc. Labor Counsel has said that determining his compensation should take place in Executive Session.

We will also do a review and appointment of Town Counsel. The Board will also invite Town Accountant Jean Sullivan in to discuss her first two months in the position

Mr. DeFreitas reported that the Water Commissioners have asked for Mr Brem to serve as the BOS member on the cooperative committee with the Water Commissioners. Mr. Joyce said he does not like the idea of 3 - 1. Motion by Mr. Logan, seconded by Mr. Lawlor, unan. that Mr. Brem and Mr. Joyce serve on the cooperative committee with the 3 water commissioners.

Mr. Lawlor reported that he appreciates the efforts that many different properties in Town have put into aesthetics, especially the Demoulas renovation in Eastgate Plaza and move to write a letter commending them. Mr. Joyce pointed out that much of the work was done without final approval by the Planning Board and they didn't always go by the rules. Mr. Lawlor withdrew his motion.

Mr Joyce reported that he attended the Route 3 Cinema last weekend and there really is a problem. His feet stuck to the floor and the interior and exterior both need upgrading. He said we need to apply some pressure and have the Board of Health go in to inspect and report back within one week. Mr. Joyce said that after the last meeting with the Water Districts he tried to tell the BOS that there was an opportunity to irate. He never said the Districts were not cooperative and he was not being critical. He wants them to cooperate with the Town and maybe put in new water mains when the Westlands is torn up for sewer installation.

Mr. Brem reported that the Long Term Planning Committee (BOS) has put forth a Vision Statement, which he read, and said it was adopted by the BOS at their June 28 meeting. The Committee will focus on goals and priorities, with a final report in December. We will put out a citizen survey that will be available in a few weeks - asking what do the residents want for long-term goals for the Town.

Mr. Brem reported that Loral (Frequency Sources) still needs permits from the Consv. Comm. and hope to start construction in late September. They have been invited to hold a Public Hearing at our Sept. 13 meeting.

Mr. Brem said that there is a Middlesex County Advisory Board meeting on Wed. that he cannot attend and asked if anyone else wanted to.

Mr. Brem wants to start a Greenway project on Route 110 and wants a sub-committee appointed. He will serve and the Chairman will appoint another member.

Under New Business Mr. Logan said that when a majority of the Board voted to recall the Center School at the June 28th meeting that the information was complete and those members who voted for the recall said they would consider new information. Mr. Logan's remarks are attached hereto and incorporated into the minutes of this meeting

Mr Logan said he has many questions, basically on School Dept. funding of teacher raises, the projected cost of school reform and renovations to the Center School. He said we haven't had an appraisal done and no recommendation yet from the FinCom. He doesn't see how we can swallow all that we must and take back a 40 year old building in need of repairs. He asked the BOS to reverse the vote of June 28 and put off the recall vote until 6/1/94 when we will have more data, to put a non-binding question of the April, 1994 ballot to hear what the people want and to show fiscal responsibility and accountability.

Motion by Mr. Logan, seconded by Mr. Lawlor, to vote to put a non-binding question on the April, 1994 ballot - Should the Town of Chelmsford recall the Center School for use by the Chelmsford School Dept.? Mr. Joyce said he has a problem with the motion, that the BOS has voted to recall and he should have moved to ask the BOS to reverse that vote. Mr. Lawlor said that the Lighthouse School needs to know where we stand, that putting a question on the ballot should come after the recall vote.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. that the BOS ask for an immediate appraisal of the Center School. Mr. DeFreitas asked how that would help us, since the Lighthouse School won't change their offer, and Mr. Logan said that it is not fiscally prudent to sink \$1.2 mil into a building when we don't know what it's worth. Mr. Joyce said that the question is moot until we decide to sell the school.

At 9:25 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to recess for 5 minutes. Vote was 4 in favor, 1 opposed (RDeF).

At 9:30 p.m. Mr. DeFreitas reconvened the meeting.

Motion by Mr. Logan, seconded by Mr. Lawlor, to reverse the recall decision that the BOS voted on June 28.

Dr. Richard Moser spoke, stating that we have not really heard any new information and pointed out what he considered to be inaccuracies - the School Dept. is still negotiating with the unions and they can't predict the cost of raises; re Educational Reform - we don't have the final figures on local effort. Dr. Moser said the School Comm. had 3 options:

recall the Center School, build a new school, or relocation of administrative offices. He added that any work done to Center School is 64% reimbursable although Mr. Lynch said it takes about 7 years to get the money back from the State.

Barbara Ward said this is not a hastily put together report, it has been going on for several years, it is not just a temporary problem of overcrowding - by 1998 they will have 400+ students without space or staff. She added that there are no land costs for a new school included. The vote on Mr. Logan's motion to reverse the decision to recall was 2 in favor, 3 no. PVL-Yes; RPJ-No; JAB-No; WRL-Yes; RDeF-No.

Under New Business Mr. Lawlor asked to bring up water consolidation, as he feels things were not decided the other night. The Commissioners said they won't participate any further with this sub-committee or any other sub-committee that is looking at consolidation. He had said he would talk to each member for a "gut check" or consensus. Mr. Lawlor said the deadline for articles for the October Town Meeting is August 2, and passed out the draft of an article.

Mr. Lawlor asked the Town Manager to instruct the BOS to vote to put a non-binding question on the April ballot and asked him to prepare legislation to abolish the water districts and set a water division within the DPW. He is only asking the BOS to put an article on the October warrant tonight. Motion by Mr. Lawlor, seconded by Mr. Brem for discussion to put the article on the warrant for the October Town Meeting. Mr. Brem asked to include "water user fees and revenues" and water rates set by the BOS "or their designees". Mr. Brem asked about a rebate program to establish parity, and Mr. DeFreitas said he does not want to get into that yet. Mr. DeFreitas asked if Mr. Lawlor feels the water districts are mismanaged and he said he doesn't have enough facts, so we have to assume they're not. Mr. Joyce asked if there is procedure for the districts to disband on their own and Mr. Lawlor said Yes, they can and they all acknowledge that this is an eventuality. Mr. Logan asked if he would take out "within the DPW division" and Mr. Lawlor said No, he wants to see better consolidation of services. The vote on the motion to accept the article with amendments and put it on the October warrant was 3 in favor, 2 opposed (RDeF and RPJ).

Mr. Brem requested that the Library Trustees be asked to attend a meeting in the next month or two.

Motion by Mr. Logan, seconded by Mr. Brem, unan. to have the Town Manager implement the previously submitted policy on Town-owned vehicles by October 1st.

Under Review of Existing Policies, Mr. Lynch said that he has

an update of a policy voted last February on the Town's **Harassment policy**. He asked the Board to review the update and vote on it at the next meeting.

Mr. Brem introduced two new policies: 1. requesting all license applicants to furnish a copy of the assessors's map of the property and a topographical map; and 2. tax policy for FY95 - that we not utilize the 2 1/2% levy increase for FY95 with the goal of sustaining no tax increase for FY95.

Under Appointments, Mr. Lynch said he has appointed Brad Cole to the Emergency Management Committee and Jeff Stallard to the Town Celebrations Committee. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve these appointments.

Mr. DeFreitas announced BOS appointments and liaisons: Msex.. Cty. Advisory - JAB; NMCOG - WRL; Msex. Cty. Sel. Assoc. - RDeF. Liaisons: EDP - WRL, CH, RDeF, liaison; FinCom -RPJ; Board of Health - JAB; Library Trustees - RDeF; School Comm.. - RPJ; Planning Bd. - PVL; Bd. of Appeals -WRL; Sewer Comm. - JAB. Liaisons to Cemetery and Consv. Comm. will be appointed at the next meeting.

Under Contract Awards, the Town Manager said he has received a new proposal for audit services. Brown and Barrett have proposed a 2-year extension at \$20,000 per year, and dropping cost for FY93 from \$21,000 to \$20,000.

Motion by Mr Logan, seconded by Mr. Brem, to approve. Mr. Joyce said he is opposed to a multi-year contract, but Mr. Logan said they've been of great help to us and Mr. DeFreitas said he can support extending at this time.

Motion by Mr. Joyce to table this matter until after the August 23 meeting, seconded by Mr. Logan for discussion. Mr. Joyce said he wants to see the management letter and ask Mr. Lynch about going out for bid.

Vote on the motion was 2 in favor (RPJ and WRL), 3 opposed. Vote on Mr. Logan's motion to approve the contract was 4 in favor, 1 opposed (RPJ).

At 11:00 p.m. motion by Mr. Logan, seconded by Mr. Brem, unan. to **suspend the rules and conduct business after 11:00 p.m.**

Motion by Mr. Logan, seconded by Mr. Lawlor, to go into **Executive Session for the purpose of discussing pending litigation**. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye; Mr. DeFreitas-Aye. Chairman DeFreitas said they would not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

Julio E. Cate

**REMARKS TO THE BOARD OF SELECTMAN
ON THE CENTER SCHOOL RECALL
JULY 26, 1993
WILLIAM R. LOGAN**

Mr. Chairman, Members of the Board. Since being elected in April, 1991, I have always believed that when an issue comes before the Board, is properly discussed and debated, and finally voted upon, that we must accept the vote and move on to other issues that face us. I still believe in that philosophy. But intrinsic in that theory is that before we vote on any issue, all of the facts are known to us and all information is on the table for review. I do not believe now nor will I ever believe that the information we had on the Center School was complete and warranted a recall vote by this board. In discussions with members of the Board since our vote of June 28th, the one concern of the members who voted to recall was that only new information would compel them to possibly change their vote. I have new information that I believe will, at a minimum, cause you to rethink your vote if not change it tonight.

My primary concern and the information I share with you will concentrate on the fiscal picture of this town, not the Lighthouse School, the current tenant of the Center School. The presentation last month by the administration of the Lighthouse School, a nationally recognized award winning center of learning, was very complete and I cannot come close to their efforts. Instead, let us put the dollars and cents that we collect each year from the residents and businesses on the table for review and reflection tonight.

I have reviewed the information of the School Committee and the Feasibility Subcommittee and quite frankly see a great deal of missing data. Missing data such as the projected cost of school reform and its impact on the Town of Chelmsford. Missing data like the cost of raises for teachers currently being negotiated by the School Committee. Missing data like the opinion of the Town's primary fiscal advisory body. Missing data like the actual appraised value of the Center School. Missing data like the impact on students if we fail to appropriate the funds for the Center School renovation and staffing.

Specifically, when the School Committee settles with the teachers union, the cost will be somewhere between \$600K - \$900K; has the Manager or the School Department figured out where this money will come from? Has this been added into the budget projection? I don't think so. We, the Board of Selectman, and the taxpayers we represent, must come up with that money. And as I see it, it must come from only two possible places: cut other town departments or an override. Is this Board prepared to ask for an override for teachers raises when unemployment in Town is at 7.6% or is it ready to take more public safety officers off the street?

If the School Department takes over the Center School and requests the \$1.1 million for renovations - what contingency plan have they developed if the taxpayers turn down this request? If the current tenants, who have been given notice to vacate, leave within the year and the School Department cannot occupy for a year or two, is this Board aware of the cost of lost revenue each year? \$150K per year!!

From FY 90 to FY 94, the School Department budget has increased 20.0% - that's \$4,249,000 dollars; no other town department comes close to that percentage increase. In fact, this chart shows that all other town departments have had significant budget decreases in the last 5 years. Is this fair and proportionate to all of the taxpayers in Town?

If the Democratically controlled State legislature has its way, they plan to override the Governor's veto and mandate \$140 million dollars in new taxes, a direct attempt to circumvent Prop 2.5 - are we ready to burden the people of Chelmsford with the cost of renovations, upkeep, and administrative staffing at Center School and then try to explain additional state mandated taxes?

School Reform - I have reviewed the figures from the Department of Education and have spoken personally with them for comment. We heard very briefly from members of the School Committee and the Superintendent on the actual cost of school reform. Well, as Paul Harvey would say, now you're going to hear the rest of the story. The dollar amount that the Town of Chelmsford must increase its school budget in the next 6 years is staggering. During the next 6 fiscal years, FY 95 to the year 2000, we must, under the current adopted school reform legislation, increase our spending by \$21,008,639 dollars - a whopping 83% more in the year 2000 than we're currently spending today. And the numbers are here to prove it: we're mandated by law to increase the School budget by at least \$1.4 million in FY95; \$2.2 million in FY96; \$2.9 million in FY97; \$3.8 million in FY98; \$4.8 million in FY99; and \$5.7 million in the year 2000. Are we truly ready to absorb these state mandated increases while being knowing fully well that we must fund the yet to be settled teachers contract and ask for \$1.1 million in renovation costs at the Center School and turn down a \$2.5 million dollar offer by the current tenant?

In reviewing a recent article in the Minuteman Chronicle about school reform, I'd like to quote directly from the paper, "According to Superintendent Moser and Town Manager Lynch, information forwarded by the State Department of Education indicates that Chelmsford will have to spend all new tax income and new growth revenues on education funding alone". Quoting the Town Manager, "As time goes on, you're going to be squeezed by increasing health insurance and other fixed costs never mind pay raises or new personnel." This is the Town Manager saying now that we're in a bind and will be for the next few years - I ask him, with all that in mind, does he still think spending a million dollars on renovation to a forty year old school in the best interests of the Town? I think we know the answer to that.

In the School Dept. proposal for the Center School, \$414K is budgeted for administration positions for the school when the Dept occupies the school - that's \$414K the first year and each year after that, not including cost of living and salary raises, health insurance and benefit increases; where will we get the money to fund these expenditures? Does anyone know?

When we, the BOS and the Trustees of the Library proposed the purchase of the Tevlin property to Town Meeting in April, an appraisal was done. In fact, members of this Board wanted a second appraisal to convince them of its actual worth. We haven't even done an appraisal on a facility that we're being asked

to sink \$1.1 million dollars into. Are we doing the best we can for the taxpayers with decisions like that?

We have asked for new information - but we still do not have the information yet that Selectman Brem said he needed before he could vote on a recall. The FINCOM, the town's fiscal advisory body, continues to lack the information it feels it needs to make a prudent and impartial recommendation. How can we vote on a recall when our own financial think tank can't.

Has the School Committee or the Superintendent or the Town Manager investigated the use of vacant commercial office space in this town from owners that owe us tax dollars - can this space be utilized in lieu of payment of past taxes - not a bad method swapping space from bankrupt landlords for tax dollars that we will probably never see anyway. In searching for answers and uncovering new information, I cannot see how this Town can afford and swallow all that we must and still recall the Center School. The taxpayers are being told that the best way to deal with the temporary problem of overcrowding is to repossess a relic, add administration to run an additional school, increase salaries, override Prop 2.5, give the school department's maint. division another dinosaur to maintain, evict a tenant that pays \$150,000 in rent, and get whacked again in the wallets if the State Legislature allows an additional \$140 million property tax hike.

I ask this Board for the following: to reverse its recall decision of June 28th, to ask the School Department to utilize its existing space for classrooms and free up those classrooms currently being occupied by administration, to request an immediate appraisal of the Center School, to put off any recall vote until June 1, 1994 until we have the missing data needed to make a wise and educated decision, to fight school reform that will bankrupt this town, and to let the taxpayers of Chelmsford, in a non-binding townwide vote, an opportunity to express their opinion on this very important issue. Most members if not all have said that this has been the most crucial issue in years - let's hear from the people we represent.

This issue is about fiscal responsibility and accountability. Its also about attracting families and businesses to our town by having diverse and desirable educational opportunities. This recall vote does little to improve public education and is short sighted when weighed against the overall community impact.

03 SEP 28 PM 4:16

Regular Session of the Board of Selectmen held Monday, August 23, 1993 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting Henry Emmet, 13 Smokerise Drive, addressed the Board on the matter of the Center School recall. Mr. Emmet referenced an article in the Boston Globe, that the recall will be a campaign issue and he wants to register on the side of Mr. Logan and Mr. Lawlor, that the building should be sold to Lighthouse School.

Mr. Joyce spoke, saying that he is promoting the "Hail to the Chiefs" party on September 17 at the Radisson honoring the six police and fire chiefs, deputies and captains who have recently retired. All profits from the event will go to help Camp Paul. He asked that the 6 retirees be invited to our Sept. 13 meeting to be presented their Certificates of Appreciation, and also to ask our State Senator and Rep. if they would like to attend with any presentatons.

The Board then recessed until 7:30 p.m.

Chairman DeFreitas called the meeting to order at 7:30 p.m. noting that all members are present.

Under Public Service, Mr. DeFreitas announced the Friends of the Library are holding their annual Book Sale on Sept. 17, 18 and 19 under the tent at the Adams Library and volunteers are needed.

Mr. Joyce again reminded residents of the Hail to the Chiefs party on Sept. 17 and listed the people who are selling tickets.

Mr. Logan said that with Sandy Donovan as the guilding force the Town has adopted the Town of Kimmswick, Missouri which has been flooded, and we have sent a truck load of food and household items to them. He thanked all who participated, including Marian Currier, Bud McCrury from Horizon Air Freight, Ed Marshall, Bernie Lynch and all the Town Hall employees, organizations and local press for their participation.

Robert Ogden, Mass. Electric Company, was before the Board with a petition for the installation of 120' of underground conduit southerly on Richardson Road to serve Prescott Drive. Motion by M. Lawlor, seconded by Mr. Joyce, unan. to approve.

David Gulllebrand, Manager of Papa Gino's, was present with a request for a Change in Manager from Edward Godin to himself. Mr. Gullebrand told the Board that he has been with Papa Gino's for 8 1/2 years, right after college and has worked in stores serving beer and wine. He has run the Billerica and Burlington stores and has had no problems with the abuse of

alcohol or underage drinking. Mr. Lawlor asked about his training and he said that it is ongoing, that they have a 2 mugs per person limit on beer, that this is a lateral promotion for him and he is now running two stores, Chelmsford and Billerica.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **approve the Change in Manager.** The Board had received applications for two Automatic Amusement licenses from Papa Gino's but Mr. Gullebrand said they no longer want the machines.

Mr. Brem asked to **defer the approval of the minutes** because he had not received his copies.

Mr. DeFreitas asked to have all Public Hearings commence at 7:35 p.m.

Judith Carven was present requesting a Common Victualer's license at 333 Acton Road for Carven Catering Service. Ms. Carven has notified all abutters by Certified Mail, and Mr. DeFreitas said that reports from the Treasurer, Building Inspector and Board of Health are all OK. Ms. Carven said that it will be basically catering, with a small amount of takeout and she is allowed to put in up to 19 chairs. There is plenty of parking.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **approve.**

A Hearing had been scheduled to consider the revocation of the All Alcoholic Liquor license issued to KAP Liquors, 149 Gorahm Street. Motion by Mr. Lawlor, seconded by Mr. Joyce, that the Public Hearing be continued to September 13 at 8:00 p.m. on the advice of Town Counsel. Mr. Lawlor explained the injunction to stop the hearing this evening, that the ABCC has questioned it and KAP's attorney has challenged the revocation in Bankruptcy Court. Vote on the motion to continue the hearing was 4 in favor, 1 opposed (Mr. Logan). Mr. Lynch said he hopes the matter will be concluded on the 13th since we're being held up in our ability to let the Monahans sell alcohol.

Town Accountant Jean Sullivan met with the Board to bring them up to date on activities in the Accounting Department. Ms. Sullivan said that she is spending a couple of days a week on year end FY92 and will be making the closing entries on FY93 tomorrow. She is looking forward to the new computer system and was surprised that FY92 was not closed when she started work the first of July. She felt the audit report was very slow and late and should be done by December. Now the balances have to be put in manually. To improve the system we should have the audit done earlier and she would be ready by October/November. Mr. Logan asked what the Board can do to help, and when should the previous month close. She said that July was closed in two weeks and she is trying to get out of FY93 and get on the new computer system when reports should be more timely. Mr. Lawlor asked if the

School Dept. can't tie in better and Mr. Lynch said the Computer Center wants to tie them in with us. Ms. Sullivan said that audit-wise they can close by the end of December and that her department seems fully staffed but she may need some temporary help for filing and data entry.

Mr. DeFreitas said he has met with several department heads and they are all pleased with the new Town Accountant, and added that this is the one Department Head appointed by the BOS and we made a good choice with Ms. Sullivan.

Mr. Lynch said that we were recently assigned a bond rating from Moody's of A-1. We have had to fight to keep that rating and this year they're very pleased with our reserves. Finance Director Fred Mansfield said it went much more smoothly than last year going out to sell bonds. The short-term rate is 2.1% and the long-term 10 year issue may break 5. Mr. Joyce said he is very impressed with the fiscal proposal.

The Board then went over the Town Manager's Annual Performance Review. Mr. DeFreitas said that this is not the optimistic forum to review an employee but we are doing it to comply with the Open Meeting law. He said that this is a review of Mr. Lynch's performance during FY93 and not a debate on his character.

Town Manager Lynch addressed the Board, stating that he welcomes the opportunity to discuss where the Town has been in FY93 and where it is going in FY94. He has spent 4 years as Town Manager and had goals when he started -increased professionalism, increase in local government credibility, fiscal stability and operational efficiency.

Mr. Lynch then went over the goals he had set for FY93, noting the status of each:

1. Updating the Personnel System was completed in FY92. In FY93 the focus was on a personnel classification and compensation plan - the result will be more equitable compensation for comparable responsibilities.

2. Renegotiation of labor contracts - all have been completed except police and library. We have regained language that's been lost over the years and hope to save \$1.5 mil over the next 15 - 20 years.

3. Customer Service Programs - we are trying to focus more on the taxpayer but still have a way to go.

4. Restructuring of the Finance Dept. and accounting system - Mr. Lynch said the credit goes to Fred Mansfield, and added that the Town Accountant reports directly to the BOS but is under the umbrella of coordination with the Finance Director.

5. **Re the Budget** - during FY93 we have been involved with 3 fiscal years: a successful audit of FY92, a successful FY93 budget and the FY94 budget, which was the most time consuming Chelmsford's budget is in far better shape than many communities.

6. **Personnel function** - Bennett and Shaw did a study in 1985 and we now have an established Personnel Coordinator in the Town Manager's office, which has improved the way we operate.

7. **Five year plan** - the Charter requires that we prepare a 5-year budget. We didn't move ahead in FY93 but this is a priority for FY94 which dovetails our efforts in long-term planning. We did a 5-year plan in FY92.

8. **Permitting Process** - we need to improve the way we do land use. We now have a Land Use Coordinator and have had one meeting of regulatory boards and departments. We need to make it easier for the applicant and to streamline permitting and improve communications between these departments.

9. **Computerization Implementation** - a priority. We have a Data Processing Coordinator and the new computer system will improve financial management and public safety coordination. We obtained a \$20,000 grant to help pay the cost of Police and Fire computerization.

10. **Total Quality Management Program** - this is geared towards several different ideas. We are in a consortium but have not yet developed a strategy of implementation.

11. **Public Safety Study** - trying to impleement recommendations. We haven't been able to bring the traffic unit back up yet but are moving towards more staffing in the Fire Department to cut down on the overtime, and are moving towards a centralized dispatch system.

12. **Implement Centralized Dispatch System** - we are moving ahead in this area - the Fire Dept. now has civilian dispatchers and our E-911 Plan was completed and submitted to the State, one of the first Towns to do so. He thanked the Task Force chaired by Mary St. Hilaire for a good job.

13. **Regionalization Opportunities** - we have implemented a regional veterans' agent with Westford under N.M.C.O.G.

14. **Economic Development Partnership** - Mr. Lynch said he is actively involved with E.D.P. and through their efforts a number of companies have chosen to locate in Chelmsford.

15. **Revision of Local Emergency Management Plan (Sara III)** - Walter Hedlund has updated our plan but we still need more coordination.

16. **Formalized Procurement System** - we are striving to

improve our procurement procedure but it is put on Hold until we get our new computers.

17. **Increase communication with Board members** - he is working with Dept. Heads in a team-like fashion and he will be providing more information to the Board and Dept. Heads thorough a weekly "sheet".

18. **Early Retirement Program** - we have participated in the State's program, which has been costly up front but will provide long term benefits.

Chairman DeFreitas said he will now take Round Robin questions and comments from the BOS. He asked Mr. Lynch if he feels he has done a good job with Early Retirement and noted that the West Fire Station is still closed and the Fire Dept. is still undermanned.

Mr. Lynch responded that we have lost 7 men and 2 chiefs to Early Retirement and didn't have the money to bring new people on prior to June 30th - perhaps we could have moved a little faster. but not much. He and Acting Chief Sousa have taken steps to cut down on overtime and this pushses back the West Station re-opening by 3 - 4 months.

Mr. Lawlor said his concerns are with the public - we need to explain to the residents what we're doing and why. The BOS hasn't done as well as we might in this area and he asked Mr. Lynch to come up with ideas on how to do this.

Mr. Joyce noted that Mr. Blomgren had suggested reports to keep the BOS informed. He feels that financial reports should be provided to the BOS to prove that we're in good shape. Mr. Lynch said he will ask Dept. Heads to provide monthly reports.

Mr. DeFreitas said we need to sit with the Town Manager to decide what form we want for reports.

Mr. Brem said that Mr. Lynch went through his FY93 goals and asked how he proposes to turn negatives into positives in FY94. Mr. Lynch said he has set these as 94 goals, that many 94 initiatives include shortcomings from 93.

Mr. Logan said he wants to see the 5-year plan and asked about streamlining the permitting process - what will he do? Mr. Lynch said he would bring the Boards and Departments together, that it is not possible to do 1-stop shopping but the process can be streamlined. We need more regular meetings of those groups.

Mr. DeFreitas said he has questions re the computer system - who's responsible for obtaining software, etc. and Mr. Lynch said the final decision is Mr. Mansfield's but we also consult the users of the systems and the DP Coordinator.

Mr. Lawlor commented that he doesn't see enough women and minorities in Dept. Head or assistant positions- we need to do more to encourage women to get involved in Town government. Mr. Lynch said he strongly shares that feeling and said we need to provide them with a sense of professional development and do more in this area.

Mr. Joyce said that re the evaluation in general, he is not pleased with the way this evaluation is done, that the Board should have a job description and rate him on how he does. The Board should evaluate him more point by point and should do it more often. Mr. Lynch responded that he would welcome a review of his goals on a quarterly basis and that the Board should review the administration of the Town as conducted by the Manager.

Mr. Brem said that Mr. Lynch seems satisfied with the labor contracts and he sees 2 outstanding contracts as a disappointment. Mr. Lynch agreed but said he won't settle just for the sake of settling but we need to stand firm. He has tried to keep the dialogue open and has sat with the Police union 12 - 15 times in the past 12 - 15 months.

Mr. Logan asked if the cutover on computers by January is a priority and Mr. Lynch said it is.

Mr. DeFreitas said that citizens are saying that there is a "regionalization agenda" and asked if the shared Veterans' Agent position is working. Mr. Lynch said that mutual aid and regional planning are all examples of regionalization, and he thinks the Veterans' Agent position is going well. He knows there is opposition to it but nationwide it's a concept that works. There is no agenda but the town will never lose in any regionalization effort.

Mr. Lawlor said that with the need for a new library, modifications to schools, continued sewer work, new public safety facility, more Town Office space - there are many demands on our resources and the Town Manager and the BOS need to take a leadership position with competing priorities. He feels we need to meet more with the various departments. Mr. Lynch agreed that we need to do more planning and may have to put the sewer projects on Hold in the near future, but this has to be done jointly with the Sewer Commission and the engineers.

Mr. Brem said he has talked about increasing his role in the community since he's moved to Town and Mr. Lynch said he wants to become more involved in civic organizations.

Mr. Brem said he has talked about increasing his role in the community since he's moved to Town and Mr. Lynch said he wants to become more involved in civic organizations.

Mr. Logan said he wants to praise both Town Managers (Chelmsford and Westford) on their handling of the regional Veterans' Agent.

Mr. DeFreitas asked Mr. Lynch if the School Reform bill has given him new powers and he said Yes, since he now takes part in their collective bargaining but he also has more budgeting problems. Mr. Lynch added that he wants the Dept. Heads to make decisions, saying that you only succeed if you're willing to risk failure and that he admires and appreciates Town employees and volunteers.

Mr. DeFreitas asked him to summarize FY94 plans and Mr. Lynch said he expects more 5 year planning, public safety department, restructuring the Assessors' Office hiring technical people, FY95 budget, need to improve our community service programs - recreational and leisure activities - and improve communications in those departments. He wants to move towards a Comprehensive Annual Financial Report, we need a new library facility, TQM, and improvements in monthly reports.

Mr. DeFreitas agreed that Mr. Lynch is in control today, that he is doing more delegating but needs to keep communicating. He is pleased with the financial condition of the Town but disappointed that the West Fire Station has not been more of a priority .

Mr. Lawlor commented that this first public evaluation process was a little awkward. He feels the Town is very well managed but we can always seek new innovations and better ways of doing things even though our house is in order.

Mr. Joyce said that the Town Manager has the most difficult job in Town and he thought Mr. Lynch's people skills could be better and asked him to make the improvements that the BOS has mentioned.

Mr. Brem said he knows that Mr. Lynch is in control, that he's doing a good job and he is glad he has moved into town. He wants him to finish his FY93 goals and now that we're stable we need to focus on tomorrow.

Mr. Logan said that we have a good system and the Town Manager is doing the best job possible. He added that he thinks the process of reviewing a person in front of the camera is wrong, that we gave in to the press, but that the review should be done quarterly and BOS members should call the Town Manager when we have questions.

At 9:40 p.m. the Board took a 5 minute recess.

The Board reconvened at 9:45 p.m.

Mr. Lynch reported on Town-owned land, noting changes in the list that was sent out, and stating that we have gone with the assessed value as the minimum bid. He read the new list and asked the Board's approval to put the land out for bid. Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve placing the lots up for sale by way of competitive bid. Mr. Joyce questioned the lot on Billerica Road and Mr. Lynch said this is only a right of way, not adjacent to Town Hall.

Under Town Manager Reports, Mr. Lynch noted our A-1 bond rating.

He reported that re the Route 3 Cinema Richard Day has gone in and has been working with the manager on types of cleaning solutions, and Mr. Brem said that the problem is the type of of non-stick floor combined with solvents. Mr. Lynch said that the Board of Health is staying on top of the other issues and Mr. Logan asked that the Town Manager ask the Board of Health to reinspect and report within 30 days.

Mr. Lynch reported that the Management Letter is in for FY92 and he asked the BOS to look it over. He can schedule the Auditors to come in in September, that there is nothing of such a serious nature as to indicate that our systems are not adequate. Mr. DeFreitas asked that we find a mutually convenient date for the School and Finance Committees to meet with them.

Mr. Lynch reported that re the FY94 budget, the only question is school reform and they should have enough money to cover that. There is \$1.2 mil from the Cherry Sheet plus \$913,000

Mr. Lawlor reported that the Public Safety Committee met with the chiefs, union presidents and 2nd tier management at their last meeting. They need to contact 3 or 4 more people and should have a recommendation for the Board by the first or second meeting in September.

Mr. Lawlor reported that he and the Town Manager attended the breakfast at the Sheraton with the LRTA and UPS, to announce their new projected route. UPS is expanding and wants to make public transportation available to all their employees. Mr. Lawlor said that he and Mr. Lynch brought up the fact that residents on Brick Kiln Road already have put up with enough. Mr. Logan said that he shares that feeling and wants the 129 bus to continue down 129 to UPS, turn around and come back out to 129. The LRTA didn't announce the route today, they are doing more community input.

Mr. Brem said that he has nothing to report on the Water Cooperation Subcommittee.

Mr. DeFreitas said he had gone camping with 4 buddies he has

known since they were all teenagers, and not with four teenagers as noted in the local newspaper.

Mr Joyce reported that at Rte. 27 and Boston Road, he has met people taking a left and coming the wrong way and said we need more graphics and barrels to direct people to the right. He noted that the Rte. 110 hot-top company has been coming through the Center between 11 pm and 5 am and making a mess of all our street signage and asked the Town Manager to look into having Mass. Bituminous pay for repainting.

Yard Sale signs - he asked to have the Building Inspector issue a memo with the permits stating that all signs should be taken down by the end of the day of the sale.

Mr. Joyce expressed concern with the Center School, how can the decision to recall stay intact so the School Committee can make plans. Motion by Mr. Joyce, seconded by Mr. Brem, unan. to ask Town Counsel for a legal ruling on how binding was the recall vote and how can we make it binding if it is not.

Mr. Logan said he thinks Mr. Joyce is jumping to conclusions.

Mr. Logan said there is a **Traffic and Safety Committee** meeting on Sept. 1st to discuss Central Square parking and said to direct any problems to the Committee.

Under Policies Previously Presented Mr. Brem had proposed that all license applicants furnish topo maps and plot plans. The policy memo should be changed to read 11", not 11'. Motion by Mr. Brem, seconded by Mr. Joyce, unan to approve.

On Mr. Brem's **FY95 Tax Policy**, he asked to wait until we have a report from the Town Manager. Motion by Mr. Brem, seconded by Mr. Joyce, unan. to do so.

Re the **Harassment Policy** Mr. Joyce asked if we have done any training/awareness programs recently and Mr. Lynch said yes, last August, and we will be doing regular training. Motion by Mr. Lawlor, seconded by Mr. Brem, to approve this policy with the amendments made tonight.

Mr. DeFreitas read a letter from the **Cemetery Commissioners** and said to schedule the joint meeting for Sept. 13 at 7:30 p.m. to appoint a third commissioner. He also asked to have the School Committee invited to attend the Frequency Sources hearing on Sept. 13th.

Mr. Lynch said he has appointed Neal Stanley to the Veterans' Emergency Fund Committee from Precinct 8 and explained the Trust Fund. Motion by Mr. Brem, seconded by Mr. Joyce, to approve the appointment.

Mr. DeFreitas said that he has appointed the remaining BOS liaison positions: Mr. Lawlor to Conservation Commission and Cemetery Commission, Mr. Brem to the School Committee and Mr. Joyce to the Sewer Commission.

Mr. Lynch said that under Contract Awards we have received one bid for the North Town Hall, a minimum bid of \$45,000 but we are now reviewing the bid and he will ask for a vote on Sept. 13th.

Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to have the Board vote to approve a Stop Sign at Cross Steet in a westerly direction at Mission Road. The Traffic and Safety Cmmittee has looked at it and approves.

At 10:45 p.m. motion by Mr. Logan, seconded by Mr. Lawlor, to adjourn to Executive Session to discuss Collective Bargaining and Pending Litigation. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye.

Mr. DeFreitas said they will not be coming back to Open Session.

For the Board of Selectmen, by

Judith E. Carter

93 NOV 16 PM 4:59

Regular meeting of the Board of Selectmen held Tuesday September 7, 1993 at 6:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

Chairman DeFreitas called the meeting to order at 6:10 p.m.

Motion by Mr. Lawlor, seconded by Mr. Joyce, that the Board vote to authorize its members to sign \$4,365,000 of 1993 bonds to be sold to State Street Bank and Trust. Pauline Murray of Bay Bank was present and she and the Town Manager said the bonds are at 4.1%, which is the lowest rate in the state since 1986. Vote on the motion was 4 in favor, 1 abstention (Mr. Logan because he works for BayBank.)

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant a one-day Auctioneer's license to the James L. Cooney Real Estate Agency for the sale of property at 29 Bartlett Street on September 9th.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve a one-day All Alcoholic license for St. Vartanantz Pavillion for Saturday, September 11th.

The Board then reviewed the performance of Town Counsel James Harrington for the past fiscal year.

Mr. Harrington addressed the Board noting that many cases cannot be discussed in Open Session. He said that he is trying to get opinions back in a timely fashion, working with and through the Town Manager. He has represented the Board in all cases, reviewed all contracts as to form and also reviewed the School Department contracts. He added that he has had to fight with insurance companies to pay our defense when they try to deny coverage.

Mr. Harrington noted that on the Charles George landfill we have had substantial recovery in this case. His office has overseen this entire process and we have let the insurance companies know that we won't just let them say they deny.

He has worked with other Boards such as Conservation and Board of Appeals and has seen at least 90% of the case settled in favor of the Town and he tries to get resolution of cases without going to court.

Mr. Harrington noted success with the Planning Board, saying that a lot of subdivisions and streets had not been completed because of tri-party agreements back in the 1960's with the bank, Planning Board and developer. He said that he and the Planning Board have set up new rules with developers and he meets once a month with a Planning Board subcommittee and DPW Director Jim Pearson. Over the next year they hope to have

more and don't have to monitor it as closely, that this system is more cost effective.

Mr. Brem asked if he feels much conflict living and working in Town and Mr. Harrington said he tries hard to not take cases that may cause conflict.

Mr. Joyce said he wants to have Town Counsel sit with the BOS more often. Mr. Harrington said he does not always anticipate questions that arise, but he and the Town Manager work closely together on issues. Mr. Logan concluded by saying that when we need Mr. Harrington he is always here.

At 7:05 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to adjourn to Executive Session to discuss pending litigation and compensation for Town Counsel. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
03 NOV 16 PM 4:59

A regular meeting of the Board of Selectmen was held on September 13, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Ed Hilliard spoke to the Board about an incident that took place in his home concerning a police officer entering his house. He requested a report from the Board on the policy of entering a home without a warrant. Mr. DeFreitas reported that Town Counsel advised the BOS to take no action at this time and he would stand by Town Counsels' decision.

Jeff Stallard invited the BOS to a POW/MIA remembrance September 18th at the Veteran's Memorial Park. He updated the board on the activities for Veteran's Day and asked to be notified if the Board would be providing a wreath.

Bob Coshun of 29 Temi Road asked if the storm drains on his street could be cleaned, the culvert behind his property be cleaned out and his street swept. He also requested assistance with a streetlight that needs replacing. Mr. Lynch said he would follow-up on all his requests.

Atty. John Leslie, representing a property owner on Concord Road, asked the Board for special permission to open Concord Road. Chairman DeFreitas said he will bring it up under New Business.

Cheryl Boss, 3 Sycamore Street, spoke on Central Square. She stated that she is concerned about safety and liability issues in the center and feels it is a dangerous situation.

Chairman DeFreitas closed the Open Session at 7:30 p.m.

Chairman DeFreitas presented a Proclamation to the Women of Today.

State Representative Carol Cleven and Mr. DeFreitas presented proclamations to the following retirees: Chief Raymond McKeon, Chief Robert Hughes, Deputy James Greska, Deputy Galloway, Captain Mack.

Dog Hearing: Chairman DeFreitas opened the Goodwin Dog Hearing. Mr. Goodwin, 27 Carriage Drive, reported that he will pay past due fines and have the dog removed from town in a few days. Mr. Logan asked that the hearing be continued for the record. Mr. DeFreitas asked the complainants to speak. Jackie Street, 79 Elm Street, reported that she has had a total of 14 chickens killed by the Goodwin dog. Linda Bertulli, 423 Acton Road, reported that the Goodwin dog had killed her chickens also. Mr. Lawlor made a motion that the town of Chelmsford through

the BOS order the dog at 27 Carriage Drive be removed from town no later than September 17, 1993 at 4:00 p.m. Second by Mr. Logan who added that the Dog Officers report be included in the record of the hearing. Chairman DeFreitas read the letter from Frank Warren, Dog Officer, recommending the Dog be removed from Town. 4 in favor to remove the dog, 1 absent. (Mr. Brem)

Kap Liquor License: Joseph Monahan, owner of the property, requested the license be revoked due to hardship. He said due to that fact that a license already exists at that address anyone who would apply to the ABCC would be denied. He further stated that he is paying \$200.00 a month taxes and he can not pursue his business. Mr. Lawlor made a motion to revoke Kap's All Alcohol Liquor License at 149 Gorham Street. 4 in favor, 1 absent. (Mr. Brem)

Sel. Brem arrived at 8:10 p.m.

Minutes: Sel. Lawlor moved the minutes of August 23, 1993 Regular and Executive be accepted. Mr. Brem corrected the minutes re: Route 3 Cinema delete non-shock and insert non-stick. Mr. Joyce corrected the minutes re: Boston Road report delete 129 add Route 27.

Mr. Joyce requested the approval of minutes for July be postponed until the next meeting.

Cemetery Commission - Joint Appointment: Chairman DeFreitas reported that due to the resignation of Everett Olson there is an opening on the Cemetery Commission to be voted on jointly between the BOS and Cemetery Commission. Mr. DeFreitas reported that two applications had been received: 1) Jean McCaffrey, Old Westford Road 2) Kevin Stott, Hazen Road. Jerry Hardy, Chairman, Cemetery Commission said it is the commissions opinion that both candidates are very qualified and they are not recommending anyone. Peter Lawlor nominated Jean McCaffrey stating that she would be a strong addition to the commission and she has a long history with the town. Mr. Brem seconded the nomination stating that he had served with Jean on the Cultural Council and that she was always well prepared and would be a excellent choice. Mr. Joyce closed the nominations. 5 votes in favor of Ms. McCaffrey.

Frequency Sources Update: David Sweet, Vice President of Safety, gave the Board an update on the environmental cleanup at Frequency Sources. He reported that the school samplings are negative and he is confident there is no impact to the schools. They are preparing final bids and specs for the final design and hope to begin construction the week of October 8 or 15th and complete the project in December. He also reported that they are still hoping to gain access to the Bartleson property. Pat Kozack from T.R.C. Environmental Assoc. displayed a Site Plan and explained the water treatment system that has been selected. Mr. DeFreitas thanked Mr. Sweet and Ms. Kozak for coming to the meeting.

Management Letter: Chairman DeFreitas reported that the School Committee could not be present tonight so the Management Letter has been postponed until the next meeting.

Halloween: Selectman Logan made a motion, seconded by Mr. Joyce that Halloween be held October 31, 1993 from 5:00 -8:00 p.m. Unanimous.

Roadside Vendors License: Mr. DeFreitas reported that Greg Spring had filed a request to sell Christmas trees at 118 Chelmsford Street and 55 Graniteville Road from December 1 - 24 from 9:00 a.m. to 9:00 p.m. Sel. DeFreitas made a motion that the Board grant the license. Sel. Lawlor asked the Board to look into the permitting process because local nurseries who pay taxes and run a business all year are at an unfair advantage. Mr. Lawlor said he would like the Manager to come back to the Board with a proposal that would be fair to all concerned. Sel. DeFreitas made a motion to grant the license, 2nd by Mr. Joyce. 4 in favor 1 opposed (Mr. Lawlor). Mr. Joyce asked that Mr. Lynch recommend a policy to the board and report back on the number of licenses issued each year.

Central Square Parking: Mr. Lynch updated the Board that the parking situation at Central Square had been reviewed by the Traffic & Safety Committee last October and they recommended to the Board that the parking spaces on the easterly side of Central Square be eliminated. The Board asked for this recommendation to be put on hold. Mr. Lynch explained that the video had been taken of the parking spots and he still recommends the spaces be removed. Jim Pearson presented a map for the Board to review pointing out that the 2 lanes are not 12 feet each if you retain the parking spaces. Mr. Pearson said the yellow line had worn out because of cars crossing over to the other lane. Jim said safety is the main issue for his recommendation to eliminate the spaces. Acting Chief Caron reported two safety hazardous:
1) pedestrians can't be seen behind parked cars, 2) when cars doors open into the traffic lane cars are forced into the next lane into oncoming traffic. Mr. Joyce said he was concerned about the message sent to the businesses in that area if the parking spots are eliminated. He would like to find an alternative so that people don't take off to the mall. Mr. DeFreitas said this is not anti-business because people will not go to the Center as it is because of the chaos. Mr. Logan said that the town has a verbal O.K. from Shawmut for parking but would not put it in writing due to the liability exposure. Sel. Lawlor made a motion to adopt the Traffic & Safety Committee recommendation to eliminate 8 parking spaces, 2nd Sel. Logan. 4 in favor, 1 opposed (Joyce).

Town Manager Reports: Mr. Lynch reported that Mass. Bituminous will be re-striping the traffic lines in the Center. He also

reported that the Chelmsford Rotary had adopted 129 and put in plants and bark mulch with the help of Mass. Bituminous. Mr. Lynch asked if the Board would vote on the Town Meeting Warrant tonite so that he could give it to the Finance Committee. He quickly presented the articles. Jeff made a motion to approve. Bill asked the Board to hold off on voting the articles until they could spend more time on reviewing the warrant. Jeff withdrew his motion. The Board agreed Mr. Lynch could give the warrant to the Finance Committee.

Street Opening Permit: John Leslie, Atty. for the Pederson family at 158 Concord Road asked the Boards permission to open the road because the Pedersons are attempting to sell the property and they need to tie in with a utility company. Mr. Lynch reported that Jim Pearson recommended the permit. Mr. Joyce made a motion to approve, 2nd Mr. Logan. 3 in favor 2 abstained (Brem and Lawlor) Mr. Lynch said that the Greenblatts, who were not present, wanted to convert back to gas and requested a street opening permit. Mr. Lynch said that he needs a unanimous vote by the board because Jim Pearson does not recommend to approve due to the fact the street was just paved. The Board agreed to postpone this vote to the next meeting when Mrs. Greenblatt could attend.

Rate Setting - Cable TV - Bernie reported to the Board that he will write a letter to Mass. Cable Commission, for the Board to sign, regarding regulation of the cable rates.

Contract Award Approval: Town Manager Lynch reported that the Police and Fire Departments are not computerized and that the town has gone out to bid and he is recommending MicroSystems. He said many communities in the area are using MicroSystems. The cost is \$70,000. for phase 1 and \$43,000. for phase 2 and a \$20,000. grant had been received. The system was funded through a bond issue in Capital Planning. Mr. Jeffrey Streckert from MicroSystems was present to answer questions. Mr. Joyce asked the cost of maintenance. Mr. Sterckert said it was \$6,000. per year and that it can not increase more than 1% per year. Bob asked if it had the potential to hook-up to the cruisers. Mr. Stereck replied yes. Mr. DeFreitas asked the size of the company. Mr. Stereck said There are 7 full time employees. Sel. Lawlor moved to approve the award to MicroSystems. Unanimous.

Public Safety Director: Sel. Logan said the subcommittee had met on several occasions and done intensive research, reviewed data talked to communities with P & S Directors, talked to numerous people including residents. Sel. DeFreitas asked who would appoint this person. Bernie said he would look to the Board for confirmation. Sel. Logan said he would like the Board to participate in the screening process because this is a new and innovation project. Mr. Lawlor said this is truly an innovative project where there will be cost savings in dispatch, payroll, etc. He said fire fighters will be

fight fires and administrative duties will be done by an administrator. He further stated that the Board will be taking steps forward to improve overall service and this is a win/win for the town. Bill asked about the strategy of implementation. Mr. Lynch said he would set up an assessment center with 1 or 2 board members and he would advertise in the October publications and hopefully have someone in place in 90 - 120 days. Jeff said consolidation makes sense with 1 facility. He said he wants to do his own research and he appreciated the time frame involved but would like a little more time to make his decision. Sel. DeFreitas said he would schedule the vote for the next meeting.

Reports - Board Members - Sel. DeFretias reminded the public that this weekend is the Friends of the Library Book Fair and that volunteers are still needed. The Chairman also reported that the Sewer Commission requested a joint meeting with the BOS. Dick said he will call Mr. Emerson to set up a date. Sel. Joyce said he received several calls from residents about the signs around town promoting a carnival at the Nashoba Valley Ski area. Mr. Lynch said he will follow-up on this. Jeff reported that he is withdrawing a previous policy re: 2 1/2 capping.

Appointments: Sel. Brem made a motion that Anne Donahue be appointed to fill the vacancy on the Commission on Disabilities, 2nd Sel. Lawlor, Unanimous.

Respectfully submitted,



Marian D. Currier



Office of the DOG OFFICER

230 NORTH ROAD
CHELMSFORD, MA 01824

Concerning Goodwin dog at 27 Carriage Dr.

2 Citations were issued To Raymond
Goodwin at 27 Carriage Dr.

4/14/87	#18	25.00	Leash Law
4/14/87	#19	25.00	Leash Law

1 Citation issued To Steven Goodwin
at 27 Carriage Dr.

10/20/90 #225 25.00 Killing Poultry
Located at 423 Acton Rd. This
Citation has not been paid

As of 9/10/93, No dogs at this address
have been Licensed For 1992 or 1993

Rabies information received at the
Town clerk's office show one shepherd/
Husky mix at this address. Shot expires
in 1994



Office of the DOG OFFICER

230 NORTH ROAD
CHELMSFORD, MA 01824

Owner does not respond To
requests or notices concerning
Licenses or Leash Law Violations.

Since no one at this address
appears to be responsible for the dog,
it should be removed from this
Location

Franklin E. Warron
Dog Officer

93 NOV 16 PM 4:59

Regular meeting of the Board of Selectmen held Monday, September 27, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session the Acting Fire Chief James Sousa spoke to the Board saying that he wants the BOS to consider carefully their decision on public safety - he is concerned with finding a good Public Safety Director and letting him do his job. He's also concerned how we as a Community can increase the success or failure of a public safety program: we need to talk to a broad base of employees/users; the measure of success should not just be based on finances, and what do we want to use as a baseline for a survey two years from now when we evaluate the program.

Chairman DeFreitas called the meeting to order at 7:10 p.m. and asked if anyone else wished to speak in Open Session. Firefighter Bill Dalton asked to speak, stating that he has already spoken to Selectmen Logan, Brem and Joyce. He referenced the Town of North Adams, noting that they appear to be having problems with their public safety program since the Director was appointed in 1982 -no vehicle maintenance or personnel training. He said that out of 8 communities with a public safety program surveyed by Mr. Lynch's office 4 no longer had the program, 1 no longer had a public safety director and 3 were still working. Mr. Dalton said he is against a Public Safety Director because it doesn't work and is not cost effective. He asked the BOS not to jump into this, let the people have a say. There were no problems in the Fire Dept. until the Charter passed, and we are now just getting another level of management. Savings have already been realized in the Police and Fire Depts and a Public Safety Director will just be increasing costs.

At 7:20 p.m. Mr. DeFreitas said he is going to take two agenda items out of order.

Mr. Lawlor moved to approve the Public Safety Consolidation proposal as amended by the Town Manager, seconded by Mr. Logan. Mr. Logan said the proposal has been re-worked, that he was opposed to the concept when he was first appointed to the sub-committee but now thinks the consolidation would work in Chelmsford. They have talked to many people and feel the proposal has significant merit and we should implement it.

Mr. Brem said he has talked to many Fire Dept. employees and is against the motion. He said that the Town Manager's proposal has to be more detailed for implementation and needs the support of the community. It hasn't received support from the Police or Fire Depts. and Mr. Brem thinks it could be a potential morale problem.

Mr. Lawlor said that this is an innovation that has many upsides and no downsides - he agrees with Jim Sousa that criteria should be developed. He wants the cooperation of both departments since this is an attempt at better management so the men and chiefs can spend their time doing what they've been trained to do.

Mr. Joyce felt that most of the material supplied by the Town Manager was fairly dated - 50's and 60's - and gathered from the report that communities where consolidation has been successful have done careful planning. He asked will the Pub. Saf. Dir. have authority over discipline, or only the Chiefs, and felt the Director should have an advanced degree. He continued that if the first year savings will be \$130K he would expect to see reduced Fire and Police budgets at the Spring 94 ATM. He said maybe we need a business manager, and asked the BOS to appoint Police and Fire Chiefs and let them prove themselves, not create another level of bureaucracy.

Mr. Lynch responded that more of the personnel dollars will be spent in putting men on the streets, and said that a lot of work is not being done since the deputies have retired. Mr. Joyce said he thinks the proposal needs further study and let's appoint the chiefs and reevaluate 6 months down the road.

Mr. DeFreitas said that all this is under the Town Manager's domain and that on the downside there are risks and on the upside there are savings, either in real dollars or more men on the street. Mr. DeFreitas said that he has confidence that if this falls apart this current Board will eliminate it. This is an opportune time to try consolidation when the two chiefs have retired, and although he can understand the trepidation of employees he feels that the right person with the full cooperation of the departments can do the job.

Vote on the motion to approve the Public Safety Consolidation proposal was 3 in favor (PVL, WRL and RDeF), 2 opposed (RPJ and JAB).

Mr. Lynch said he has prepared ads and hopes to have both the Fire Chief and Public Safety Director on board by the end of December. We still need to iron out the Police Chief position details at Town Meeting. The MMA consulting group is helping us.

Mr. DeFreitas said that we will take Warrant Article 7, Water Consolidation, out of order.

Motion by Mr. Lawlor, seconded by Mr. Brem, that the Board recommend Article 7. Vote was 3 in favor (PVL, JAB and WRL) 2 opposed (RPJ and RDeF).

Mr. Brem left the meeting due to a business commitment.

Approval of Minutes:

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept the minutes of July 15, 1993.

Motion by Mr. Lawlor, seconded by Mr. Logan with an amendment: Under New Business on Page 4 he wants his prepared remarks included. Vote to accept the amendment and approve the minutes of July 26, 1993, both Regular and Executive Sessions, was unanimous.

Under **Public Service**, Mr. DeFreitas presented a **Certificate of Appreciation to Thomas F. Carey** for his 8 years service as the Town's rep. to the Nashoba Valley Technical School Committee. Mr. Logan said that as a member of the Finance Committee for 3 years he appreciates the hard work and much time that Mr. Carey put into this position, and how capable he was at explaining the NVTBS budget to the FinCom.

The BOS has received a letter from the Greenblatts, 99 High Street requesting a street opening permit. High Street was newly paved within the last 6 - 7 months and cannot be opened for 2 years, according to the by-law, except for emergencies. **DPW Director Jim Pearson is opposed**, suggesting that they heat with oil or propane and Mr. Lynch recommended that the variance be denied. Mr. DeFreitas commented that they could re-apply in March, 1995. Mr. Joyce asked how the permit approved by the BOS on Concord Road last week was different and Mr. Lynch told him that was for all utilities, with no options, and the developer will do the curb-to-curb paving. In the Greenblatt case either the Greenblatts or the Gas Company would have to pay. Mr. Lawlor commented that it is not fair to them - their argument is no more compelling a year and a half from now. Chairman DeFreitas asked the Town Manager to get a response from Lowell Gas and Mass. Electric as to whether they would pay for the paving. Motion by Mr. Logan, seconded by Mr. Joyce, unan. to **table until the Town Manager comes back with recommendations from the utility companies.**

Mr. Lynch gave the BOS a memo on the **Veterans' Service District**, stating that when we agreed to share a Veterans' Agent with Westford, we did not know that Section 3 of Chapter 115, M.G.L. limits a shared Veterans' Agent to towns with a population of less than 12,000. The State Office of Veterans' Affairs has advised that the BOS take advantage of Section 10 of CH 115 to structure a Shared Veterans' Agent position. NMCOG has the powers to create the regionalization with administrative duties shared by Chelmsford and Westford. Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to **have the Town adopt Chapter 115, Section 10.**

Under Contract Awards Mr. Lynch said he has awarded the DPW Equipment bid as follows:

Taylor & Lloyd, Inc. 1994 International Truck Chassis

	\$41,982.77	
Timberland Machinery	Municipal Tractor	\$48,888.00
G. Quip Const. Equip.	Sander Body/ Spreader	\$12,278.20
J.C. Madigan Inc.	Plow Frame	\$ 2,150.00

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **approve the bid awards**, as they were all low bidders.

Mr. Lynch read the list of **high bidders for Town-owned land**:

Off Maple Road	Tech Ridge, Inc.	\$15,000.00
Mallory Street		
(Lot 15)	Lowell Five	4,101.00
(Lot 23)	Lowell Five	10,101.00

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **approve the award to the high bidders**.

Under Appointments Mr. Lynch said he has made the following appointments:

Historic District Commission	Margaret Dunn
Handicapped Commission	Susan Brooks
Board of Appeals Alternate	Karen Kaparwich

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **approve the Town Manager's appointments**.

Mr. Lynch announced that **Jack Emerson has resigned from the LRTA** and Mr. Lawlor would like to serve, but he has received an expression of interest from another resident. Mr. Lawlor asked the Board to defer appointment until the next meeting so any other interested parties can apply but said he would like to attend any interim meeting as the BOS representative. Mr. Logan said he thinks we need a BOS rep on the LRTA Board, since the Town spends \$80,000 per year with the LRTA. Mr. Joyce said he thinks we should let the people know there is a vacancy.

On Mr. Lawlor's motion to table, the vote was 2 in favor (PVL and RPJ) to 2 opposed (WRL and RDeF).

Mr. Logan said that with the issue of spending \$80K with the LRTA we want to continue representation with a BOS member. He said that Mr. Emerson has done an excellent job for the past 8 years, and he first served as a Selectman.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to **appoint Selectman Lawlor as the Town's rep. to the LRTA Board**. Vote was 3 in favor, 1 opposed (RPJ).

Mr. Lynch left the meeting to meet with the School Committee.

The Board then considered two Roadside Vendor's licenses to **sell Christmas trees**:

1. **Little League** - has been selling trees here at this location (Rte. 110 Ballfield) for 15 years. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

Mr. Lawlor stated that he publicly wanted to express regret

for his vote against Greg Spring's license at the last meeting. The vote was not against Mr. Spring himself but merely to protect year -round nurseries.

2. **Central Congregational Church** - North Road parking lot. They have been selling here for 10 years.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

A **One-day Beer and Wine license** was requested by **All Saints' Church** for a fund raising auction on November 6, 1993. They had asked for a waiver of the fee as a non-profit organization, but this is not the Board's practice. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to issue the license.

The Board then discussed the **rest of the warrant articles.**

Art. 1 Motion WRL, second RPJ, unan. to recommend.

Art. 2 Motion RPJ, second WRL, unan. to defer to Town Meeting

Art. 3 Motion WRL not to approve. Vote was 1 in favor (WRL), 3 opposed (RDeF, PVL and RPJ). Motion by PVL, second RPJ, to defer to Town Meeting. Vote was 4 -0 in favor.

Art. 4 Motion PVL, second RPJ, unan. to recommend.

Art. 5 Mr. Lawlor abstained from discussion or vote on this article. Motion by WRL, second RPJ, to defer to Town Meeting. Vote was 3 in favor, 1 abstention (PVL).

Art. 6 Motion WRL, second PVL, unan. to defer til we hear from the proponents.

Art. 7 Already voted to recommend.

Art. 8 Motion PVL, second RPJ, unan. to recommend.

Art. 9 Motion PVL, second RPJ, unan. to recommend.

Art. 10 Motion PVL, second RPJ, unan. to defer to Town Meeting.

Art. 11 Motion PVL, second RPJ, unan. to defer to Town Meeting.

Art. 12 Motion WRL, second RPJ, unan. to defer to Town Meeting.

Art. 13 Motion PVL, second RPJ, unan. to recommend.

Art. 14 Motion PVL, second WRL, unan. to defer until we hear from the proponents.

Art. 15 Motion PVL, second RPJ, to not recommend. Vote was 3 in favor, 1 opposed (WRL).

Art. 16 Motion RPJ, second WRL, unan. to defer to Town Meeting.

Motion by WRL, second RPJ, to ask the petitioners on Articles 5, 14 and 15 to come in to the Oct. 4 BOS meeting to present their articles. Vote was unan. in favor, with Mr. Lawlor abstaining on Article 5.

Mr. Logan reminded residents that Town Meeting commences on Monday, October 18 and sessions will be continued on Oct. 21, 25 and 28, if needed.

Under Reports, Mr. Joyce moved to re-consider the vote to appoint Mr. Lawlor to the LRTA to make it unanimous, seconded by Mr. Logan, unan.

Mr. DeFreitas reported that the Chelmsford Friends of the Library had a very successful book sale, netting \$24,200 and he wants to commend the Friends of the Library. Their Annual Meeting will be held at the Carriage House on September 30.

Mr. Lawlor reported on St. John's Church 100th Anniversary Mass last Saturday evening. It was celebrated by Cardinal Law and every aspect of the Mass was very special.

Mr. Joyce said he received a request from a resident asking if something could be done about the traffic back-up at Littleton, Westford and North Roads in the morning. Mr. Logan said that Traffic and Safety and EDP are both looking at it - it is a dangerous intersection and will get worse.

Mr. Logan said that accident rate at the intersection of Hunt and Littleton Roads is now down to zero and he is happy that the issue of the lights has finally been resolved.

Mr. DeFreitas said that a doctor at 6 Boston Road in Central Square is concerned about No Parking in front of the building and Mr. Logan said that the handicapped access is behind the building and the Center has ADA approved curb cuts.

Under New Business, motion by Mr. Lawlor, seconded by Mr. Joyce, unan. that the BOS ask the Town Manager to act quickly to insure that the Sexual Harassment Training mandated by our policy be implemented, with BOS input before the training is implemented.

Mr. Logan said he had a note from a resident re Lowell Cable TV's recent changes in rates and he has asked the Town Manager to get Cy Locke, Cable TV CH, involved. He feels the statement stuffer is deceptive and dishonest and also deceptive advertising. Motion Mr. Logan, seconded by Mr. Lawlor, unan. to ask Cable TV Manager Don Ratte to come in to a BOS meeting.

Mr. Logan commented on parking lots in the Midwest where they have heavy concrete stop signs at intersections, and he would like to see this in our area. Mr. Logan will ask the Town Manager to find out what are any legal restraints if the BOS set up a by-law to ask private businesses to put this type of sign in their parking lots.

John O'Connell, 25 Longmeadow Road said he believes that the police/fire computer system is being installed with obsolete technology with a lot of ramifications re the future of the system. He wants to come back to talk to the BOS when Mr. Brem and Mr. Lynch are present.

At 9:00 p.m. motion by Mr. Lawlor, seconded by Mr. Logan, unan. to adjourn

For the Board of Selectmen, by

Judith E. Carter

SEP 16 PM 4:59

Work Session of the Board of Selectmen held Monday, October 4, 1993 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

Walter Kivlan III and Mike Donohue, Little League officers, were present to request the Board's permission to light the Senior League Volunteer Field off Rte. 110 behind the Town Offices. The field will not be lighted after 10:00 p.m. and they already have the \$45,000 for the installation. Mr. Kivlan said that the tournament teams in the summer make money, and that our fields are the best. A national Little League engineer has to come in to advise the Town where to put the lights. Mr. Kivlan said that the safety of our kids is our most important concern.

Mr. Lawlor stepped down from the following presentation. Attorney James M. Geary, Jr. addressed the Board on Warrant Article 5, a petition article calling for the re-zoning of parcels of land at 285 and 287 Chelmsford St. and 3 Watt Terrace. Jim Hantzis and George Yannakopoulos, owners of Ciro's, have purchased these properties and want to put in a Ciro's Restaurant and corporate offices. This will be a 300 seat family style restaurant, and Ciro's is also in Maynard, Newburyport and Nashua, NH. The proposed new restaurant will be next to the Mall, and the zoning will have to be changed from CA to CC to allow this. The two properties in question are now in tax title.

Bob Gill, 418 Bridge Street, Lowell, showed the recorded plan and the area to be re-zoned. stating that this is the final CA zone in the area that was not included in the Mall re-zoning. All parking will be in the rear and they will make improvements to Watt Terrace.

Architect Jack Sullivan spoke, showing drawings of the proposed building - a 7,000 sq. ft. structure with corporate offices on the second floor. Atty. Geary said that the proposal is still very much in the early stages, that they have to go through the Planning Board Special Permit process. He said they have heard no negative comments yet but have to build a solid foundation.

Bob Murphy, Hastings Murphy Associates, is studying the traffic situation and said the site is accessible from Chelmsford Street and Watt Terrace. The right turn entrance will be from Chelmsford Street and the left turn entrance (coming from Lowell) and all exits will be from Watt Terrace. Mr. Geary concluded by saying that they are seeking the Board's endorsement, and that the Ciro's on Concord Road will continue to operate.

Sandra A. Hall, petitioner for the elderly tax abatement Article 14 referenced Chapter 59, Section 5, Clause 41A, MGL for tax deferral for persons 65 or older until the sale of their home. The ceiling now is \$20,000 income and she wants the ceiling raised to \$40,000. Ms. Hall said that the Town will get their money back, plus 8% interest, and they can only defer up to 50% of the home's value (i.e if valued at \$100,000 can't defer more than \$50,000) if the Town adopts the \$40,000 limit, which is the maximum. The Town is always paid first when a house is sold, even before the State. Mr. Lynch said that deferred taxes get included in our overlay, we are losing about \$40 - \$50K per year right now and now have about \$300,000 on the books. Ms. Hall noted that Winchester had a 50% increase in deferrals when they went to a \$40,000 income limit.

Article 15 petitioner Kate Vessey, a Billerica resident, is petitioning for the Town to allow in-law apartments in all residential areas. She wants to move to Chelmsford but would need to have in laws live with her. Mr. Brem told her that currently you can't have two complete functioning kitchens. Ms. Vessey said that options for Senior Citizens are not available. Mr. Joyce asked if she has had input from Chelmsford residents and she said she has spoken with some.

Mr. Lynch told the Board that there are two warrant articles that didn't make the warrant for the Annual Fall TM - landtaking for the sidewalk project that Traffic and Safety is doing and an article to amend a Cemetery Dept. vote at the Spring ATM down from \$18,000 to \$12,500.00. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to place these two articles on a warrant for a Special TM within the Annual TM on Oct. 21st.

An application for a Roadside Vendor's license to sell Christmas trees at Cushing Place was received from James Harvey. It was decided to waive the Assessor's map in this case, but to ask the applicant to attend the next BOS meeting.

Motion by Mr. Brem, seconded by Mr. Logan, unan. to table this application until October 18.

An application for a One-day All Alcoholic license was received from St. Vartanantz Armenian Pavilion.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to approve this application and request them to come in to meet with the BOS when they submit their next application.

Mr. Logan asked that we have all Roadside Vendor licensees inform their customers of the 4 drop-off places for the disposal of Christmas trees.

Mr. Logan said that he and School Committee Chairman Barbara Ward have been serving as a sub-committee re the Nashoba Valley Technical High School Committee appointment due to the resignation of Donald Reeves. We will ask the local papers to advertise that there is a vacancy and Ms. Ward said that we want an expedited process where anyone interested can be interviewed by the sub-committee and we can call a meeting prior to Town Meeting on October 18 for a joint appointment.

The Board then met with the School and Finance Committees and the auditing firm of Brown & Barrett to go over the FY92 Management Letter. Finance Director Fred Mansfield and Town Accountant Jean Sullivan were also present.

Auditor Bob Brown said that the comments in the letter are repetitive for two fiscal years.

Mr. DeFreitas said we will go through the letter page by page.

1. **Accounting Dept. Posting Errors** - Mr. Brown said he knows that we've had 4 Town Accountants in 3 years, and he has reviewed the FY93 balance sheet and we're in much better shape now. He has gone over the various areas with Ms. Sullivan. Mr. Lynch said that there are less steps in the process with the new computer system. Mr. Logan asked if we have cross checks on all accounts and Ms. Sullivan told him this is now done on a monthly basis and is the responsibility of the Asst. Town Accountant. Mr. Brown said that most of the corrective actions recommended have been taken.
2. **Police Special Duty Payroll Deficit** - Mr. Mansfield said it has been the policy to pay the police officers prior to the Town receiving payment from the contractors. Mr. DeFreitas asked if there are many contractors far behind in paying and do we still give them when requested. Mr. Lynch said that he, Jack Emerson and Armand Caron are working on this. We don't collect interest but there is a 10% service charge. FinCom member Chuck Piper said we should make them pay up front, and Sel. Joyce suggested setting up an equity account, with an advance deposit from the contractor. Mr. Mansfield said don't pay the officers until the detail is paid - that the FY93 deficit is \$143,000, of which \$30,000 is uncollectible. Mr. Mansfield said it is his job to collect and he gives them 30 days. Mr. Brown said in other towns some pay officers up front, and others wait until the detail is paid. Mr. Joyce said we should adopt the policy of paying up front, and Ms. Sullivan said she has seen some towns put seed money into an account. Mr. Lynch said we did that but have gone through it.
3. **Off-Site Backup for Accounting Dept.** Mr. Mansfield said that this is now Judy Dunn's job, and she is storing

backups at home. Mr. DeFreitas said it is up to Mr. Mansfield to work this out.

4. **Sewer Usage Accounts Receivable** - these records were not being kept in FY92 but are now taken care of. Mr. Mansfield said the Sewer Division is now doing the collections but this task will shortly be moved to the Treasurer's office. Mr. Mansfield said they give him a list of the liens and uncollected receivables.
5. **Reconciliation of Taxes Receivable** - Mr. Mansfield said we are now reconciling month to month totals with the Accounting Department and the variances are very small -\$1,000 - 2,000.
6. **Tax Title** - Mr. Brown said this is more important now than in the past and they are recommending a more aggressive approach. Mr. Mansfield said that as of 6/30/93 we have created computer listings and are now reconciling with the Accountant, with under \$10,000 difference. We have stepped up our collection efforts and are now bringing FY92's into tax title.
7. **School Bank Accounts - Internal Control Records** - Mr. Brown said he wants to see monthly and quarterly reports from each Principal to the Business Manager and should be annually reviewed by the Treasurer. Business Manager Bob Cruikshank said that they will report once a year to the Finance Director and that these accounts contain activity fees, fund raisers, etc. Ms. Ward asked is school money Town funds or does it just go into a depository account since all activity fees go into revolving accounts. Mr. Brown noted that the High School has excellent records, and the Revenue Department has told us that field trip payments are Town funds. FinCom member John Morrison asked about having any check over \$500.00 being signed by two persons. Mr. Cruikshank said that old accounts have the Town's 04 number but new accounts have to be assigned new numbers.
8. **Community Education Revolving Account** - Mr. Brown said he needs to see a formal Accounts Receivable for the Day Care billing. Mr. Cruikshank said that Day Care billing needs to have a better system and they are trying to convert manual records to automatic. They have a new Peachtree system and hope to have it up and running by the end of November.
9. **Interdepartmental Reconciliations - Cash** - There was a time when the accounting records were not complete but today they are basically reconciled. Mr. Mansfield said we are now proving to the penny every month.
10. **Interdepartmental Reconciliations - Taxes Receivable** - these reconciliations are being implemented for FY94. Mr. Lawlor questioned exposure, and Mr. Mansfield said he checks every month and if a bank is in trouble we pull our money - we have \$9 mil in various banks but check from month to month.
11. **Financial Procedures Manual** - Mr. Lynch said this came to the forefront a couple of years ago because of

transitions in the Accounting and Treasurer's offices. We have a number of manuals to use but don't have in-house manuals - there is no one to write them.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. ask the Town Manager to check **outstanding Police Detail accounts** and **formulate an action plan** for collecting those that are collectible.

Motion by Mr. Lawlor, seconded by Mr. Joyce, that the **procedure for NVTHS Committee appointments** proposed by the sub-committee be adopted by a majority of both the appointing boards. Vote was 5 BOS members in favor, 3 School Committee members present in favor (Ms. Ward, Wendy Marcks and Mary Franz).

Mr. Brem asked overall how does the Accounting Department stand and Mr. Barrett said that little improvement occurred between 1991 and 1992 but the majority of the progress has been made in FY93 because we were so far behind. He asked how do we stand as a Town and Mr. Brown said there was only minimal improvement in FY92 but we will see much improvement in FY93. Mr. Lynch added that we want to get the audit going asap.

Mr. Logan asked if posting errors warrant action at this point and Mr. Brown responded that there was a lot of improvement in FY93 but it was still a tough year because a lot of things had to be taken care of. He feels we're in very good shape now.

At 8:55 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, that the BOS go into **Executive Session to discuss pending litigation**, first with Town Counsel Harrington and then with Town Counsel and the School Committee. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye.

For the Board of Selectmen, by

Judith E. Carter

93 NOV 16 PM 5:00

Regular meeting of the Board of Selectmen held Monday, October 18, 1993 at 6:30 p.m. at McCarthy Middle School. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

The Open Session of the meeting started at 6:35 p.m. Bill Dalton spoke to the Board, stating that he had told the press that he would be bringing in a petition tonight asking the BOS to reconsider their vote on public safety consolidation and obtaining more information. He will wait until the Board's next regular meeting; he now has more than 1,000 signatures and hopes to have over 2,000. He asked Mr. DeFreitas about him saying that the BOS will make random calls to signers of the petitions and Mr. DeFreitas said he may suggest this. Mr. Dalton said if the BOS rescinds their vote, let the community decide how to review consolidation. He is not telling people signing the petition that the petition organizers are against consolidation, only that they want to generate more information.

Mr. DeFreitas questioned Mr. Dalton about a talk show phone call he had made stating that it was a "bag job" with 2 BOS members and a lengthy discussion followed. Mr. DeFreitas said that he had appointed Mr. Lawlor to the subcommittee because he favored consolidation and appointed Mr. Logan because he was opposed to it. Their recommendation to the BOS after looking into both sides of the issue was in favor of consolidation.

Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve the request of the CHS Class of 1994 to hold a Bonfire on the night of November 22nd.

Donald Kohl, Jr. requested a Roadside Vendor's license to sell Christmas trees at 1 - 3 Princeton Street in Vinal Square from 9 am - 9 pm Dec. 1 - 25th. He has sold trees at this location in the past. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to grant this license.

The request for a Street Opening Permit at 89 High Street was again discussed. DPW Director Jim Pearson said he has spoken with the gas company and the gas service is on the opposite side of High Street, and he asked if they would pave 50 feet on either side of the street and they said no, since the gas company is under the impression that they only want to convert a water heater. The Greenblatts have told the Town they want to convert their heat to gas. Mr. Pearson has checked with other Towns to see what their rule is on opening a newly paved road, and Billerica and Burlington will not open for 3 years, with no exceptions except for a leak, and Lexington will not permit for 5 years. Mr. Pearson said the gas company will cut the road and patch it but he is against this since water and cracks affect the

integrity of the road. Mr. DeFreitas said isn't it better to cut and patch now, not after the road has gone through a winter, and Mr. Joyce commented that as a Sewer Commissioner he has seen patches let go. Mr. DeFreitas said we have passed a Pro Service Attitude policy but Mr. Joyce said we can't let a policy surpass a by-law. Motion by Mr. Brem, seconded by Mr. DeFreitas, to approve the Street Opening permit. Vote was 3 in favor, (RDeF, JAB and PVL), 2 opposed (RPJ and WRL). In order to grant a special permit it requires either a majority vote of the BOS and the OK of the DPW Director, or a unanimous vote of the BOS. Since the BOS vote was 3 to 2, and Mr. Pearson is not in favor, permission will not be granted.

Charles Diman, Parish Council Chairman of St. Vartanantz Armenian Church was present, as requested. Mr. DeFreitas asked him to confirm that all the one-day alcoholic licenses they have been issued are for church-related functions, not commercial. Mr. Diman said that all licenses have been for weddings, bazaars, fairs, picnics, etc. - all church functions. Mr. Diman added that a parishoner had sent out a flyer on a function that was non-church related but the Church Council has stopped all activities connected with it. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the issuance of the One-day All Alcoholic license requested for October 23rd.

Mr. Logan told the Board that the School Committee has requested that the NVTHS appointment be postponed to Thursday night, October 21, at 7:00 p.m.

Mr. Lawlor said he wants to amend Warrant Article #7 - Water Consolidation. Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to amend Article 7 by deleting the second paragraph.

Under Reports, Mr. DeFreitas said we have set up a search pattern in seeking out a Public Safety Director and he is appointing Selectmen Brem (as Chairman) and Joyce to a Public Safety Selection Sub-committee, to help screen applicants. Mr. DeFreitas asked the office to check with Town Counsel as to whether or not sub-committees of this type have to keep minutes.

Mr. Joyce asked that the adopted Policy re Use of Town Vehicles be placed on the next regular agenda under Review of Existing Policies.

There were no appointments or contract awards.

At 7:15 p.m. motion by Mr. Lawlor, seconded by Mr. Brem, unan. to adjourn to attend the Fall Town Meeting.

For the Board of Selectmen, by

Judith E. Cota

93 NOV 16 PM 5:00

Meeting of the Board of Selectmen held Monday, October 25, 1993 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor and Robert P. Joyce. Selectmen Jeffrey A. Brem and William R. Logan joined the meeting at 7:30 p.m. Town Manager Bernard Lynch was also present.

A joint meeting with the Town Moderator Dennis McHugh, the BOS and School Committee members Barbara Ward, Wendy Marcks, Judy Mallette and Mary Frantz was held at 7:10 p.m. to fill the unexpired term of Donald Reeves as a Chelmsford rep to the Nashoba Valley Technical High School District Committee through April, 1995.

Mr. McHugh called the meeting to order and asked to hear from the three candidates.

Donald Ayer said he has lived in the Town for over 30 years, and has taught vocational ed for 24 years. He has served as a NVTHS rep in the past and would like to serve again. MR. Ayer said he has his Master's degree and his specialty is computer science.

Susan Carr said she is deeply concerned about the school's future, that voice is a strong component in today's society and deserves more recognition in the communities it serves. She would as a rep keep the School Committee and the community more fully informed as to the activities and concerns at the NVTHS.

Ralph Hulslander said he graduated from CHS in '42, has a military background with many years experience in counselling. He has been the advisor to the Sheet Metal shop at Nashoba for 10 years and his wife had worked for 34 years in the guidance department. He feels the guidance department is very important and wants to see it restored.

Mr. McHugh asked for nominations:

Motion by Ms. Ward, seconded by Mr. DeFreitas, to nominate Susan Carr.

Motion by Mr. Joyce, seconded by MR. Lawlor, to nominate Donald Ayer.

Motion by Mr. Lawlor, seconded by Ms. Ward, to nominate Ralph Hulslander.

Mr. Lawlor asked School Committee members for their observations of NVTHS and Ms. Ward said that Nashoba is the most underused asset of the community and we need to have more PR to accept vocational education. She said that the School Committee has tried to maintain contact with NVTHS and want to see the school used more.

Ms. Frantz noted that Nashoba doesn't have the budget for support people and courses, and they have had to cut programs.

Ms. Marcks said she sees NVTHS as part of our whole school system and that we don't do a good enough job at being one system. We should include NVTHS in regionalization and our kids should have access to both facilities.

Mr. Lawlor asked if the Nashoba reps communicate with the

School Committee and Ms. Ward said not as much as we'd like. She added that we're trying hardest with guidance departments at the 7th and 8th grade levels.

Ms. Mallette stated that we should do more as School Comm. to School Comm. - Chelmsford enrollment at Nashoba has increased due to the superintendents' communication.

Mr. Lawlor asked about the criteria for a NVTHS rep - Ms. Ward said good attendance and Ms. Marcks said the person should be an active advocate for vocational education.

Mr. McHugh then took a Roll Call vote: Ms. Mallette-Ms. Carr; Ms. Marcks-Ms. Carr; Ms. Frantz-Ms. Carr; Ms. Ward-Ms. Carr; Mr. DeFreitas-Ms. Carr; Mr. Lawlor-Ms. Carr; Mr. Joyce-Mr. Ayer. Mr. Logan abstained as he joined the meeting during the vote. Motion by Mr. DeFreitas, seconded by Mr. Joyce, unan. to make Ms. Carr's appointment unanimous. Mr. McHugh adjourned the meeting at 7:30 p.m.

Mr. Brem arrived at the meeting at 7:30 p.m.

Paul McCarthy, Chairman and Dr. Paul Canniff of the Board of Health then met with the BOS to make a joint appointment, to fill the unexpired term of Mark Gauthier, who resigned. Chairman DeFreitas opened the meeting and read a letter from the Town Clerk notifying the Boards of the resignation, and a letter from the Board of Health dated October 19th nominating Peter Dulchinos.

Motion by Mr. McCarthy, seconded by Mr. Lawlor, to nominate Mr. Dulchinos.

Motion by Mr. Logan, seconded by Mr. Joyce to nominate Daniel Sadowski. Roll Call vote was as follows:

Dr. Canniff-Dulchinos; Mr. McCarthy-Dulchinos; Mr. Brem-Mr. Dulchinos; Mr. Logan-Mr. Dulchinos; Mr. Joyce-Mr. Dulchinos; Mr. Lawlor-Mr. Dulchinos and Mr. DeFreitas-Mr. Dulchinos. Mr. McCarthy said that we appreciate Mr. Sadowski's interest, but that Mr. Dulchinos had served on the Board of Health previously and is very well qualified.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn the meeting at 7:35p.m.

For the Board of Selectmen, by

W. E. Carter

93 NOV 16 PM 5:00

Meeting of the Board of Selectmen held Monday, November 8, 1993 at 7:30 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

At 7:30 p.m. the Board held a Classification Hearing. Assessors Diane Phillips and Bruce Symmes were present and told the Board that values on real estate assessments have gone down and showed what the shift would be at various rates. Mr. DeFreitas explained Classification, noting that the Town has had a 5% shift differential since 1986. The Board has to hold a Classification Hearing each year before setting the tax rate.

Douglas Hausler, CH Businessmen's Association, was present and addressed the Board, stating that there are 200 businessmen in the association and their primary purpose is to try to eliminate classification. He said the CBA feels that there are no corresponding benefits to businesses for the extra 5% they pay and they advise repealing classification or a graduate phasing out of it. They look at it as a fundamental unfairness.

Chairman DeFreitas closed the Public Hearing at 7:40 p.m.

Mr. Lawlor questioned the range communities can use for Classification and Ms. Phillips said up to 150% and Mr. Symmes added that communities that have reached that maximum can go to 175%. They said that most of the surrounding communities do classify. Mr. Hausler said businesses are differentiated against in other ways - sewer and tax assessments are higher, they don't get trash pickup, etc. John Harrington of the CBA said that the sewer project was the culprit in 1986 and now they have to install backflow preventers at \$50 each, and he and Mr. Hausler both said that the CBA feels this is a question of fundamental fairness, not what other communities do.

Ms. Phillips said the vacancy rate is now 31 -32%, a little less than last year and explained that the personal property tax is required by State law to be imposed on businesses' machinery, fixtures, furniture, etc.

Mr. Brem said that last year the BOS agreed that we have to get businesses going up before we reconsider classification. He said that the 5% shift would save about \$36 for the average homeowner and Mr. DeFreitas said it would cost the average business owner about \$200.

Mr. Logan asked if businesses have received any additional services and Ms. Phillips said none. Town Manager Lynch said that they pay additional fees for fire alarms, police alarms, backflow preventers, higher license fees. Mr. Logan asked about benefits to the residents and Mr. Lynch said lower taxes.

Motion by Mr. Logan, seconded by Mr. Lawlor to drop Classification to 102.5% this year and drop it down to 100% next year. Mr. Logan said his reasoning is that in 1986 it was agreed that businesses used more services, but this has gone up disproportionately and it is time to bring it back down. Mr. Lynch added in 1986 that a referendum in Town passed overwhelmingly, to provide relief to the residential taxpayers and at that time businesses could afford to pay more. The vote by the BOS at that time was 3 to 2 in favor.

Mr. Lynch recommended that the BOS keep the 5% differential, that he has never advocated an increase but can't advocate decreasing it at this time.

Ed Cady, Precinct 9 TM rep, said the status quo is the way to go at this time - the residents have to pay for charities and alarm systems, as well as businesses. Mr. DeFreitas added that when we see growth in the business community is the time to take out classification.

Mr. Joyce moved to amend Mr. Logan's motion to reduce the rate by 1% this year, to 104%, which impacts the average homeowner \$7.50, but will put us in the mode of starting to phase down classification. Motion seconded by Mr. Logan. Vote on the amendment was 2 in favor (RPJ and WRL), 3 opposed (RDeF, PVL and JAB). Vote on the original motion to go to 2 1/1% was 1 in favor (WRL), 4 opposed. Motion by Mr. Lawlor, seconded by Mr. Joyce, to maintain classification at the 5% rate. Vote was 4 in favor, 1 opposed (WRL).

Mr. Brem left the meeting to attend another meeting.

Mr. DeFreitas then said he wants to make an announcement - that Mrs. Louise Harrington passed away this morning and he asked for a Moment of Silence to convey our condolences to her son John Harrington and the family.

The Vinal Square Study Committee, subcommittee of the Traffic and Safety Committee, then made its report and recommendations to the Board.

Judy Mallette said that the Committee started in Sept. 1992, came to the BOS in Feb., 1993. At that time the Board gave approval to do whatever improvements were within our means through the DPW. The State is now ready to accept Vinal Square as a project and are ready to go. She and DPW Director Jim Pearson showed the design plans and Mr. Pearson explained the drawings. The first signal will be at Wotton Lane, for a left hand turn across the square or straight ahead. The second signal will be on Groton Road - they stop on green at Middlesex Street or can go with Wotton Lane when the light is red at Middlesex

Street - they can run concurrently.

Ms. Mallette said that there is a concern, since the State policy is no parking on State roadways. It is very important to maintain those parking spaces in the Square. The State has left parking only on one side. She said the BOS has a right to request a waiver to maintain parking on both sides by moving the sidewalk back or if this is not approved, to petition the State for their discontinuance through the Square. The State wants Adams Street one-way from the Square to Newfield Street. The alternative is another set of lights, which the State doesn't want to do.

They are requesting the BOS to: 1. change the traffic by-laws to make Adams Street one-way; 2. petition the State to permit parking on both sides of the street, or if our attempts to move the sidewalk back fail, 3. petition the State to discontinue the Square.

Mr. Pearson said the cost to maintain these improvements is app. \$2,000 per year to operate and maintain the lights; the striping and paving; and winter maintenance. The cost to do the design and work will cost the State about \$250,000, and they want to bid the job in December and start it in the Spring. Mr. Logan commented that the State is spending \$250,000 and the Town will have to spend only app. \$10,000. Motion by Mr. Logan, seconded by Mr. Lawlor, to move forward with the recommendations of the Traffic and Safety Committee. Mr. Lawlor said that what the Vinal Square Committee and the Traffic and Safety Committee have done is great. Vote on the motion was 4 in favor.

Kelly Beatty, Cable 43 Commission, addressed the Board, saying that he wants to alert the public to an opening on the Board of Directors of this Channel 43 TV Access Corporation. It is for a 3-year term, many of their programs are done by volunteers, and this group is not connected with the Cable TV Commission, which is appointed by the Town Manager. The opening is immediate and anyone interested can contact Mr. Beatty. With a new contract coming up in 1995 CH43 Access will play a much larger role. The CH43 Access Corp. is a non-profit corp, completely separate from the Town and has nothing to do with setting rates but in fund-raising and producing programs for Channels 42 and 43. Mr. Beatty added that between 75 and 80% of the homeowners in Chelmsford subscribe to Cable TV.

The Board then met with Donald Ratte, General Manager of Lowell Cable TV. and Joanne Summers and Rich Wardman from Colony Cable. Selectman Logan said he had requested Mr. Ratte to attend the meeting, that with the FCC 1992 Statute and the new rates Mr. Ratte has kept the BOS very well informed.

Mr. Logan said he had brought residents' concerns to the Board about 6 weeks ago - some bills have gone up, no one is

saving 29% as the newsletter stated, and there is a large increase in fees for new and transferred services.

Mr. Ratte said that the last 6 months has been very disruptive to the Cable TV industry, since this 1992 legislation de-regulated the industry. He said that the Cable act has carried an increase in installation charges and local companies now have more "must carries". The implementation date for the new rates was September 1st, but up until that time there had been a rate freeze when they couldn't increase rates but only re-structure. On Sept. 1 they restructured rates and services, and some prices went up and some down. There is a 600 line formula involved in setting new rates and it appears that the rates being charged in Chelmsford were appropriate. There is no change in rates but a difference in level of services. The Lifeline (basic) service has gone down by 29% but there are not many subscribers to Lifeline only, about 1% of the Town's subscribers. The number of satellite basic services have increased and the charge for an additional outlet and service has been cut from \$7/month to \$3.71/month. Lifeline could cost nothing with a cable-ready TV. Mr. Ratte said he would check out Mr. Logan's complaints and get back to him.

Mr. Ratte said that installation charges went up under the new formula because the former rate was basically low; installations are not a major source of revenue and they have specials throughout the year.

Mr. Ratte added that there will be a whole new world in technology in the future, and we are just now in the negotiation process with the Town, which has to be started 3 years before the expiration of the present contract. When questioned he said that the company does pay taxes on underground cables and cables on private property but the wires strung on poles are not taxable.

Mr. Ratte said that in the renewal of the franchise they have to determine what the public in Town wants.

Mr. Logan ended the discussion by saying that he disagrees with their marketing technique and their re-structuring and asked them to reconsider the \$47. installation fee.

Mr. DeFreitas announced the next three BOS meetings as follows: Nov. 15 - Sewer, Holiday Decorating and Ambulance Committee reports; Nov. 22 - Personnel Board, Solid Waste Advisory and Presentation on Public Safety by the Town Manager. There are no meetings on Nov. 29 and Dec. 6 and the Dec. 13 meeting will cover license renewals and a Fiscal Forecast work session with the FinCom and School Committee.

Under Other Business Mr. Lynch said that we recently bid out the bridge deck repair project on Middlesex Street and received 6 bids. He is recommending that the bid be awarded to C.C.M. Corp., the low bidder in the amount of \$52,625.00. They will be repairing and replacing the hole in the deck and

there will be no road closure.

Motion by Mr. Logan, seconded by Mr. Joyce, unan. to approve the bid award.

Mr. Logan asked who repaired the Princeton Street bridge and Mr. Lynch said the State has been fighting with the Town for 5 years to do this job and then it took them two days to repair it when they decided to do so. Mr. Logan suggested that the next time it happens we have our DPW make the repairs and take the consequences.

Mr. DeFreitas said it has been said by the press that he is going to bring up the Rte. 3 issue tonight. Rep. Clevon said that the federal government is completing their study of a 4-lane highway this week so Mr. DeFreitas will bring the issue up on November 15th.

Cable TV Commission Chairman Cy Locke spoke to the Board briefly stating that the FCC has designated the Mass. State office as the negotiators on rate changes and increases. We have sent a letter stating that the Town will go along with the law but reserve the right to do our own negotiations with our cable company. We can also file complaints with the FCC. Mr. Locke invited the Board to attend any meetings of the Commission, and said that Attorney Peter Epstein has been hired to help with the negotiations, and he knows the Colony Cable company very well.

At 9:55 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn the meeting.

For the Board of Selectmen, by

John E. Carter

town clerk

RECEIVED
53 DEC 14 PM 3:09

Regular meeting of the Board of Selectmen held Monday, November 15, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session John O'Connell, 25 Longmeadow Drive, spoke to the Board about the Town-wide computer automation program, saying that a year ago the Board asked him to meet with Bernie Lynch and the other department heads to explore different programs. He told the Board he feels that the system Mr. Lynch chose has obsolete hardware and software and he didn't give them any alternative proposals.

Donna Johnson, Chairman of the Holiday Decorating Committee, addressed the Board, noting that Sunday, December 5, is the Town Tree lighting ceremony and she outlined the various activities scheduled. She noted that the Committee held a fund drive 4 years ago and have not needed more funding until now, when they are starting another drive. Keith Carter, CHS Student Council, presented Ms. Johnson with a check for \$230. which they raised selling hot chocolate at last year's event, and John Harrington, President of Chelmsford Businessmen's Association, gave the committee a donation of \$250.00.

Cheryl Boss, 3 Sycamore Street, spoke to the Board on the petition re the Public Safety Director, urging the Board not to change their minds. She was approached by 2 petitioners and some of their information was inaccurate and she feels that others who signed may not have been not correctly informed. She is concerned that we would attempt to govern by petition, that this is a managerial decision.

William Dalton, 12 Dartmouth Street, said he doesn't know what Ms. Boss was referring to, that this is an informational petition asking the BOS to rescind their vote on public safety consolidation and form a citizens' committee to study the issue. He said they have never tried to sabotage the Public Safety Director's position. He has obtained 2503 signatures and feels that people knew what they were signing. The BOS should have had a written report from their sub-committee for a \$6 mil expense. He added that 32,000 people own this community - let them do the research. The input the BOS has received comes from managers and Public Safety Directors and now we should go to the people to make sure the system works.

Mr. DeFreitas responded, saying that he knows Mr. Dalton has worked hard to get the signatures. If the BOS can be faulted it is because we didn't make the information we have more public. Next Monday the Town Manager will make a public presentation and the two sub-committees will also give reports - the original sub-committee and a new sub-committee - a Public Safety Director Selection Criteria. Mr. Dalton

commented that if this had been done before he wouldn't have had to get the petitions. He asked if anyone can ask questions at next Monday's presentation and was told No.

Barry Balan, 17 Jessie Road, said that last September on the advise of the Traffic and Safety Committee the BOS eliminated all parking on the bank side of Central Square to aid pedestrians. There apparently was not enough planning in this decision because a person was hit last Friday trying to cross on the crosswalk. He is recommending that the BOS charge the Traffic and Safety Committee to look into the availability of overhead signalization for pedestrians, since cars now rush through the center at 40 mph.

Henry Emmet, 13 Smokerise Drive, told the Board that he is trying to get to know the issues. He had written to the Town Manager telling him that the Town needs our own ambulance and Mr. Lynch replied that over the next 2 years this will be looked into. Mr. Emmet feels that nothing short of an ambulance in the Center is fair to the Townspeople.

Marian Dempsey, 5 Skyview Drive, told the Board they are being politically irresponsible and giving short shift to the people's petition is doing more of the same things that has caused public discontent. She added that Town Managers in general are working towards regionalization and there is a conflict of interest between managers and local officials.

Mr. DeFreitas said that we regarded the Public Safety Director as a buffer against regionalization. Mrs. Dempsey said that there is a duplication of services if there is no cross training and Mr. Lynch said that Mass. laws prohibit certain performance activities, but there will be centralized dispatch, clerical staff and medical training.

Chairman DeFreitas called the meeting to order at 7:40 p.m.

Under Public Service, Attorney James Geary introduced Mary Jo Austin, Director of the Greater Lowell Alzheimer's Foundation, and Sel. Lawlor read an Alzheimer's Awareness Month proclamation and presented it to Ms. Austin.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve and accept the minutes as listed on the agenda (Sept. 7, 1993 - Nov. 8, 1993}.

Mr. Brem made a Public Announcement on the dates for Leaf Pick-up and Drop-off, and also Christmas Tree recycling.

Catherine Frazer, NET Co. was present with a petition for a pole to be placed on Kenwood Street to maintain the integrity of the pole line and support the line on Kenwood Street. No one present spoke in favor of or opposition to this petition. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant

this petition.

Mr. Lynch told Ms. Frazer we have concerns about basketball hoops placed on telephone poles, and who is responsible. Ms. Frazer said anything placed on a telephone pole is an encroachment and should be removed. Items on poles are a hazard to technicians working on the poles and some poles are "hot" so nothing should be placed on them. The phone company may take down anything that is on a pole. Mr. DeFreitas commented that the poles on Chelmsford Street from Town Meeting to the Center are listing about 10 degrees and Ms. Frazer said she will speak to the engineers about this.

Ed Marshall, Chairman of the Ambulance Study Committee, gave a preliminary report to the BOS. He introduced committee members John Harrington, Sean Kraft, Tom Moran and Barbara Skaar, who was not present. Mr. Marshall said that this is one of the best committees he has ever worked on, and handed out copies of their preliminary report dated September 7th. They won't finalize the report until the new Police and Fire Chiefs and Public Safety Director have given their input. There is no way an in-house system could be installed by January 1st so we have gone out for bids for ambulance service for one more year.

Mr. Marshall went over areas that the Committee studied:

1. **Initial Response** - not the ambulance but trained personnel (Police and/or Fire). This time is critical and much can be done to improve the initial response time
2. **Average Ambulance response Time** - 9 minutes. In many cities and towns it is about half that,

He said there are two questions - how important is ambulance response time if a good initial response system is in place, and how much to pay for a quicker response time; and how shall service be provided - private vendor, private vendor with tighter specs, or in-house with the Fire Dept. or a separate department. To staff an ambulance 24 hours a day with two people takes at least 9 people, costs a lot and would be in action only 8 - 10% of the time.

Mr. Marshall concluded that there are value judgments involved here - the Committee will go forward and finalize their recommendations when the new chiefs are in place. Mr. Lynch added that we have gone out with the RFP's and they are due November 19 - we expect a lot of competition and are looking to have an ambulance dedicated to the Town. He will try to have the proposals evaluated for the first meeting in December, and all are based on a one year renewal.

The Board then asked numerous questions of Mr. Marshall - quality of personnel, payment methods, costs to the Town, etc. and discussed having our own ambulance in Town. Mr. DeFreitas then thanked the Committee and said the Board is

looking forward to a final report.

At 8:30 p.m. John P. Emerson, Jr., Chairman of the Sewer Commission, made a presentation to the Board on the progress of the Town sewerage project. He showed slides focusing on 6 different areas - a brief history of where we are today, history of support for the project, State/Federal funding, status of revenues, impact on the tax rate and need for the project to continue uninterrupted.

Mr. Emerson said that at the conclusion of the project 68% of the homes in Town will be sewerage and 26 municipal properties and that one half of the cost is funded through grant programs. He noted that in the last 4 years construction bids have come in 25% lower than the estimate. Under status of revenues he said that we have collected over \$7 million, and the betterment fee is \$1,450 per residence. The impact on the tax rate has gone from \$1.27/\$1,000 in 1988 to \$1.10/\$1,000 in 1993.

Mr. Emerson continued that the downward trend in estimates is good news, and it is critical to continue the project. 42% of the properties to be sewerage have had septic repairs and we may have to expand further - an estimated 3800 more homes can't meet the new septic codes. Any postponement or delay in the project would be very costly and they are looking at a 12 year construction period - expect to finish in 2001 or 2002.

When questioned, he said that there is no inter-municipal system with Westford - they have withdrawn and we can use the pipes they would have used for further sewerage in North Chelmsford. Tyngsboro will honor their commitment to use our pipes and system. They are not intending to come back to Town Meeting for any funding for construction of the project.

Board members said they support the project and Mr. Emerson said he will give an update any time the Board wishes. He added that the bids for the Westlands B project will be opened on November 18, and the cost per linear foot has dropped from \$99 down to \$62.00.

State Representative Carol Cleven was present and commended the Sewer Commission, saying they are very well thought of by the State as ready and willing to cooperate. Mr. Emerson thanked Mrs. Cleven for helping the Commission.

Under Reports, Mr. DeFreitas talked about Route 3, giving a history of the road and when it finally got extended into New Hampshire it solved the traffic problem for a few years but now the backups are starting again on Routes 4 and 110. Route 3 was meant to be a by-pass and now the Towns are becoming a by-pass for Route 3. He said Route 3 is supposed to be widened in 2 - 3 years but he doesn't know if our roads can last that long and he wants to start some initiative.

Rep. Cleven said they have done an environmental impact study

and are now doing a design-build study with the use of federal funds. They have determined that 4-lanes each way can't be done because of the two rivers, but that the job can be done in one phase, not three. There may be a toll road in that area. The project is scheduled to start in early 1995 and could be completed in two years. All other design-build projects have been very successful in other parts of the country.

Mr. DeFreitas said he doesn't see any harm in a letter to other Town's Boards expressing our concern over the delay. Mrs. Cleven said she has been discussing this with their senators and reps. Mr. DeFreitas read a list of the abutting Towns and asked if she could add more and she suggested Acton, Carlisle and Concord. Mr. Brem volunteered to contact Rep. Cleven and the other legislative officers. Mr. DeFreitas stepped down from the Chair and moved that the BOS send a letter signed by each member to the governing councils of the Towns listed, with copies to their State reps and senators, seconded by Mr. Joyce, unan.

Under Other Business, motion by Mr. Logan, seconded by Mr. Joyce, unan. to issue a one-day all alcoholic license to St. John the Evangelist Church, 115 Middlesex Street for an appreciation dinner on December 4. Motion by Mr. Logan, seconded by Mr. Joyce, unan. to issue two one-day licenses for St. Vartanantz for Dec. 3 and 4. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to ratify the issuing of a Roadside Vendor's license to the West Chelmsford Methodist Church.

Under Reports, Mr. Joyce reported that Hazardous Waste Collection Day provided a great service to the citizens of the Town, and thanked Richard Day, Barry Balan and Jack Emerson for their day long efforts, and also David Palmer and David Eckhart from the Highway Dept. 397 vehicles came through the drop-off line. Mr. Lynch said we had budgeted \$10,000 for the day but agreed to extend it to \$15,000 due to the large participation.

Mr. Joyce asked Mr. Lynch to make a report on the status of the streetlight program. Mr. Lynch said all the materials are in now and we will have to line up Mass. Electric. He will make a full report at the Dec. 13 meeting.

Mr. Joyce asked Mr. Lynch to ask Town Counsel for an opinion on the vote to give the Center School back to the School Committee - is the vote binding from year to year. He asked for this report by Dec. 13th.

Mr. Brem reported that Frequency Sources started construction on their treatment plant on Maple Road. He reported that he wants the BOS to review the memos on long-term planning before we meet to discuss it.

Mr. Logan asked for an update on the North Town Hall. Mr. Lynch said that we had one successful bidder and are waiting for his planning and development plan.

Mr. Logan asked about the policy for Town-owned vehicles and Mr. Lynch said that the cars have been delivered and new seals are being made up. The inventory is complete, waivers granted and he will report at the first of the year.

Mr. Logan asked about ambulance service RFP's and Mr. Lynch said he will report either Nov. 22 or Dec. 13.

Mr. Logan asked about his parking lot safety proposal and Mr. Lynch said he has asked Town Counsel to review it for a report by Dec. 13.

Mr. Logan asked about naming the park at the corner of Bridge and Westford Street after the House family.

Mr. Logan asked for an update on Town Manager goals more often than once a year. Mr. Lynch said there are two issues:

1. Dept. Head monthly reports - the October reports are all in and being compiled and he hopes to have them available by the 15th of each succeeding month;
 2. He will update the BOS on his goals at the beginning of the calendar year, and then again at the end of 3 months.
- Mr. Logan said he will move to see the Town Manager give an update quarterly or semi-annually, and submitted this as a new policy.

Mr. DeFreitas asked for Subcommittee reports:

Charter Review Committee - No.

LRTA - Mr. Lawlor said no report.

Water Consolidation - Mr. Brem said he will work with Mr. Wetmore after January 1st.

Public Safety Consolidation and Public Safety Selection

Criteria Sub-committees will be making presentations on November 22nd.

Under Town Manager Reports, Mr. Lynch reported:

1. **Police hiring** -we have appointed 6 new officers who are starting the academy in January and will be on board by early spring.
2. **Police Dept.** - Acting Chief Caron is getting the patrolmen out on walking beats.
3. **Fire hiring** - we have hired one and have offered jobs to seven to date. We are in various stages of screening.
4. **West Fire Station** - we have reopened this station and Acting Chief Sousa put together the deployment plan.
5. **Varney Playground** - work being done by the DPW. We are looking at a handicapped access to the beach, and feel that this whole area is an asset that needs to be developed.
6. **Computer System** - Police/Fire and Financial system. Well underway - training is taking place and we plan to cutover by January 1st.
7. **Early Retirements** are still benefitting the Assessors

Office - Clerk Marie Ronan was not replaced and new employee Eric Josephson is working on reevaluation. We can do more in house, at a cost savings to the Town.

8. **Veterans' Service District** with Westford - he and Bob Halpin have met and notified the State of the creation of the District, and have appointed Fred Mansfield for the remainder of the year as Treasurer. We have notified NMMCOG that their contract is ending December 31 and we are advertising for the position of Veterans' Services Director.

Mr. Brem asked Mr. Lynch to report on the history of abatements on Dec. 13th.

Mr. Lynch reported that resumes are due November 17th for **Public Safety Director and Fire Chief**, and to date we have received about a dozen applications for each. The resumes appear very good and we have a geographic variety of Directors applicants. We hope to have the appointment made by December 31st. As for **Police and Fire Chiefs**, the Police Chief position will be removed from Civil Service by the end of the year. Fire Chief applications are being reviewed and we hope to appoint by December 31st.

Under **New Business** Mr. Lawlor reported that the School Dept. has an almost 1/2 million lack of funding and is looking at mid-year layoffs. He asked the Town Manager to ask Dr. Moser what the Town can do to assist with the shortfall and asked him to report back on what the BOS can do to help.

2. **Mr. Lawlor** also said he has concerns with the **traffic problem in the Center** and Mr. Lynch reported that the accident in the Center the other day did not occur on the same side of the street where parking spaces were removed and that it may be worthwhile to consider pedestrian overhead lights.

Mr. Joyce asked if the new police officers will free up man power for traffic control enforcement and Mr. Lynch said Yes, that we need to better utilize patrolmen.

3. **Mr. Lawlor** said he is referring to the Traffic and Safety a letter written by residents in the **Parkhurst Road area re the traffic backup**. He is asking the Traffic and Safety Committee to look into these issues again, and how can we Logan said that this request has been made in the past, and we have to get the traffic off North Road. This has been a problem for the past 8 - 9 years. He said one problem is that at Parkhurst and North and Dalton and North the intersections don't go straight across - we would need traffic lights on North Road and the State won't let us meet the warrants because there are too few accidents. The Central Square issue will be addressed after the Vinal Square recommendations are implemented.

Mr. Lawlor said that re the **Vinal Square** issue it is exceptional the way the Traffic and Safety Committee works -

they deserve our appreciation. He asked Mr. Lynch if he will implement any public safety goals before the Public Safety Director is in place, and he said No.

Mr. Brem said that he and Mr. Lynch have met with the Telephone and Electric Companies re the listing wires on Route 110 and they are looking at partially putting wires underground or overhead behind the buildings. He said it is up to Mass. Electric at this point and they don't seem too receptive.

Under Policies Mr. Lawlor said that as a New Policy he is asking that a report from the Assessors re valuations and rates be presented to the Board of Selectmen no less than 14 days prior to any Classification Hearing. Mr. Logan said he is going to ask for a quarterly update from the Town Manager on annual goals.

Under Appointments Mr. Lynch has appointed Brenda Lovering to the Historic District Commission for a 1-year term. Motion to approve by Mr. Lawlor, seconded by Mr. Joyce, unan. Mr. Lynch has appointed Nancy Pohlman, 26 Byam Road to the Sign Advisory Committee. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan., to approve.

Mr. DeFreitas announced that at the next meeting on Nov. 22 we will hear reports from the Personnel Board, Solid Waste Advisory Committee and the Town Manager and Sub-committees will make a presentation on Public Safety. On December 13 the BOS, FinCom and School Committee will hold a Work Session on the Fiscal Forecast.

Mr. Lawlor offered congratulations to Lowell Sun Reporter Chris Scott and his wife on the birth of a daughter.

At 10:15 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to adjourn to Executive Session to discuss real property, collective bargaining and pending litigation. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye. Mr. DeFreitas said the Board would not be returning to Open Session and there would be no announcements.

For the Board of Selectmen, by

Judith E. Carter

93 DEC 14 PM 3:09

Meeting of the Board of Selectmen held Monday, November 22, 1993 at 7:30 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

As a Public Service, Mr. Lawlor announced a Coat Drive for the needy to be held at Purity Supreme on December 3 - 6, 1993.

Mr. Lynch introduced members of the Solid Waste Advisory Committee - Chairman Barbara Scavezze, Norm Eisenman and Bob McCallum - to give an update on the trash/recycling program. Ms. Scavezze said she has been to the recycling facility three times, and gave a slide presentation showing how recyclables are separated, sorted and crushed. Waste Management uses a commingled truck, sending newspaper to Billerica and the other recyclables to Turnkey in Rochester, NH. She said that the trucks are weighed before and after dumping to determine the amount, and that commingling is more effective than curbside sorting. We also do municipal recycling of white paper and cardboard and styrofoam from the schools.

Ms. Scavezze said she and Mr. Eisenman have done an audit of the program and some mistakes were found in recycling amounts so she has revised her reports. Ms. Scavezze noted that all visitors to Turnkey have been impressed with their facility.

Ms. Scavezze said we want to expand a metal dropoff to include bikes, ladders, etc. and has applied to the State for a grant for two metal dumpsters. She also said we have applied for a grant for yard waste (brush) shredding equipment with other Towns, since Laughton's won't take yard waste after this year. We have spent less than budgeted for trash disposal although she still feels the need for a cushion and \$250,000 will be used to reduce the tax rate. This is how we save through recycling - the more we recycle, the less we have to pay for trash disposal. The grant is being written with Essex County - they will do the financing and coordination and North Andover will be the host community. She stated that five regions throughout the State have applied for two pieces of equipment.

Mr. Lynch then introduced the Personnel Board members, stating that they have been working on a compensation package for at least two years. Their first step was to develop Personnel Board Rules and Regulations and the compensation and classification package is their second step. Mr. Lynch named the committee members - Will Perry, Joe Dyer, Angela Cosgrove, Peg Fudge and Jim Sousa.

Chairman Will Perry explained the job evaluation program - employees filled out a job questionnaire and a job

description form listing their principal tasks, which still needs to be fine-tuned, and they interviewed department heads and employees. Mr. Perry said that job evaluation is a systematic method for determining the relative worth of a job.

It is not a scientific method but focuses on the job, not the employee. Mr. Perry said there are 9 job-rating factors, with degrees assigned to each factor. Factors and degrees assigned are: knowledge (9); experience (7); supervision received (5); complexity of duties (6); accuracy/accountability (5); personal contacts (4); physical demands (4); work environment and hazards (5); scope of supervision (6).

Mr. Perry said that this plan should give more internal equity but needs to be finalized and added that the evaluation is confined to non-union jobs. Mr. Logan asked if the plan could be used on union jobs also and Mr. Perry and Mr. Lynch said it could be but may require negotiation with the union. The Rules and Regulations apply to all employees - union and non-union - except School Dept. employees and unless superceded by collective bargaining agreements.

Joe Dyer, Personnel Board, stated that he and Mary Mahan have done a compensation survey on how jobs are paid in other communities. We have a 9-grade structure with 11 steps and grant a 1-step increase each year. The Personnel Board thinks it takes too long to get to the 11th step. The Town Manager had selected 12 towns to be surveyed, and they included 24 jobs in each survey. He and Ms. Mahan went to all 12 towns and talked with either the Personnel Manager or the Town Manager and looked at all 24 jobs and exchanged salary information. They will now analyze the data and do a new salary structure and consider our pay practices. They hope to complete the project this calendar year.

Mr. DeFreitas asked were we out of whack with other Towns and Mr. Dyer said we had some very wealthy Towns and some very close to our pay scale. They did find a wide disparity of pay rates for similar jobs and most present employees won't see any pay difference under the new salary structure and employees can appeal the pay process.

Mr. DeFreitas thanked the Personnel Board for their presentation and asked them to keep the BOS informed.

Mr. DeFreitas spoke first under the Public Safety Presentation, addressing the petition presented to the Board at the Nov. 15 meeting. He said he has looked the petitions all over and knows the amount of work put into getting the signatures. The petitions are the reason for tonight's Public Safety presentation - so we can make all the information public. He added that the Board has had several important decisions this year - water consolidation, Center School, public safety consolidation - and he has appointed several subcommittees to gather information to help the BOS

make decisions on important issues. The BOS is taking a proactive stance, more than required by the Charter, in contributing to the formulation of consolidation plans.

Mr. DeFreitas continued that due to the early retirements in the Police and Fire Departments we have a unique opportunity to go to a new public safety system. If we don't hire a Public Safety Director we will have to go back to the old structure. Under this new system the Director will handle much of the administrative work and the Police Chief will be the top law enforcement official and the Fire Chief the top firefighting official. We need the cooperation of the rank and file - there is nothing to lose and everything to gain.

Town Manager Lynch said he wants to present an overall plan for consolidation. He said that this is basically an integration of the Police and Fire Depts., which is very important with budget cutting because these two departments share a \$6 mil budget.

Mr. Lynch pointed out the similarities of the two departments: both protectors of life and property; require quick response and efficient dispatch; use similar equipment and training in the area of medical response. These early retirements in each dept. have given us an opportunity for cost savings.

We will go from 16 management positions in the Police Dept. and 8 in the Fire Dept. to 19 overall. We will establish an EMS service, to cooperate in dispatching, training and deployment of personnel.

We will increase effectiveness through: centralized dispatchers, coordinated response to emergencies, combined training and protecting Police and Fire rank and file jobs. WE will see cost savings of app. \$250,000 - Deputy Chiefs eliminated, Police Captains eliminated, restructured management salaries, shared clerical staff, joint purchase and use of equipment and centralized dispatching.

We are eliminating duplication, reducing management salaries from \$1,061,207 to \$930,901 and reducing dispatch hours from 17,250 to 13,500.

The estimated total savings through consolidation is \$262,756, through savings in training, equipment and supplies; dispatch and clerical; management benefits and management salaries.

Benchmarks - how do we measure the success of the program - centralized dispatch system; combined public safety facility and documented cost savings.

Mr. Logan then spoke, as Chairman of the Public Safety Consolidation Subcommittee, stating that in July of 1993 he and Mr. Lawlor were appointed by the Chairman as a subcommittee to review the Pub. Saf. proposal submitted by the Town Manager. They held 3 open meetings and held discussions with persons attending. He and Mr. Lawlor contacted other towns that have or have had public safety positions and no one town was alike. They looked at job

descriptions for Fire Chief, Police Chief and Public Safety Director and changed some aspects. They tried to get as much input as possible, and he had contacted the presidents of the Police and Fire unions, met with both unions and spoke with Bill Dalton 4 different times. They tried to get information from both those in favor and opposed and input from those most affected. He and Mr. Lawlor recommended the updated proposal to the BOS in September.

Mr. Lawlor reported that they heard both the good aspects and some concerns, but the bottom line is what is going to change in Town and the answer is not much. We will see a change in the speed of the response time and should expect savings in the Public Safety Dept. He continued that during the meetings it became clear that there are operational differences between the Police and Fire Depts. and we need an expert to advise how the two departments can better work together. We should see some improvements when the Police Chief, Fire Chief and Public Safety Director get to know each other.

Mr. Lynch then explained the **recruitment process**, noting that applications have now closed and we have received 27 for Public Safety Director, from many different states all over the country. All have some public safety experience and there are a number with military experience and many with advanced degrees.

The process is that he will review the applications and weed them down to 8 or 10 and he will interview them either in person or by phone and narrow those down to 4 - 6. They will go through an **Assessment Center** and come down to the top 3 candidates. Mass. Municipal Consulting Group is assisting with this.

Mr. Brem said that he and Mr. Joyce are serving on the Selection Criteria Subcommittee, that they were the two who voted against the Public Safety Director proposal but it is time to work together to try to make it work - we need to try the system. Mr. Joyce said he is particularly concerned with the education and academic background of the candidates - he is looking for a Master's degree, at least.

Mr. Brem said that as to how the Public Safety Director will implement these programs, we want to have community input and will visit the stations and seek comments. The person should be experienced in facility and equipment management, experienced in the complete system, have supervisory capability and be attuned to where we are as a community - adjacent to Lowell, etc.

Mr. DeFreitas said we all look forward to seeing this process resolved, and Mr. Brem asked to call him or Mr. Joyce or the Selectline with comments or questions. There is information in the Town Manager's office and the next public meeting of the Board is December 13th.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to **ratify**

the vote to issue a Roadside Vendor's license to sell Christmas trees to Alan Liguori at the Drum Hill Gulf Station.

Under Reports, Mr. Lawlor reported that he attended his first LRTA meeting and they are looking at a number of changes in routing. He said that public transportation is changing and we may be seeing smaller vehicles.

Mr. Joyce said that re the incident at the Quik Mart convenience store he wants to acknowledge the quick response and professional manner in which the Police handled the case. He wants the Town Manager to look into this matter - a great deal of money was spent in detectives, the rescue truck, etc. and he wants the Town to ask for restitution when the case comes to court. A message should go out that we won't stand for fraud. Mr. Lynch said he will discuss it with the Chief.

Mr. Logan said he had read in the newspaper about the \$120 tax increase for the average Chelmsford home and asked the Town Manager for a breakdown by December 13th. Mr. DeFreitas said we can't do much to change the numbers when the Assessors give them to us, and we have to look at next year's budget. Mr. Lynch said that the overall tax increase is less than 2 1/2% and said that the budget is voted at the ATM, the Assessors come in with the numbers to fund the budget, and the BOS has the power to make a shift in classification.

Mr. Logan asked about the accident in the Center when the pedestrian was hit, where did it occur, and Mr. Lynch told him that it was on the other side of the street in the crosswalk, not on the side where the parking spots were eliminated.

Mr. DeFreitas said we're taking the initiative in getting other Boards in abutting towns to write letters re the Route 3 widening and he will attempt to meet with all the other Towns at the MMA meeting the end of January. He has heard that the project may not start until 1996 and urged residents to start writing to their senators and representatives to get the project going sooner.

At 9:35 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

54 FEB -1 PM 4:59

Regular meeting of the Board of Selectmen held Monday, December 13, 1993. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Gail Poulten read a letter written by her husband Samuel Poulten regarding the Lamplighter Green project telling applicants how to apply for the low income housing.

Chairman DeFreitas called the meeting to order at 7:15 p.m.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the minutes of November 15 and November 22, 1993.

Edward Hilliard, 3 Gifford Lane, then addressed the Board. Mr Hilliard said that he is speaking about a situation that has evolved over the past decade, referring to an incident back in 1983 when he was running for a second term on the School Committee and was arrested at the Mai Kai Restaurant by Officer Russ Linstad. He said that both Officer Linstad and his attorney worked for the Mai Kai and after 11 sessions in court he was found not guilty and sued the Town and got \$25,000 out of the court settlement. On November 29, 1992 he and his fiance's daughter had an argument and she left his house where she had been living. She called the Police Dept. to escort her back to the Gifford house to get her belongings and they told her to obtain a 209A order from the court. She went back to th Police Dept. and filed Assault and Battery charges against Mr. Hilliard. The next day Officer David McKenzie was sent out to serve the 209A but the paper did not say to get her clothes out of the house but was blank so Mr. Hilliard threw the Police out of his house. Mr. Hilliard feels that Officer McKenzie was not properly trained in this type of matter so he went to see Sgt. Steve Burns at the station to see rules on how to handle citizen's complaints. Sgt. Burns said that Mr. Hilliard had threatened him. Mr. Hilliard went to Police Chief McKeon and said no one would take his complaint. He wrote letters to the Chief and Sgt. Burns and tried to file a complaint with Town Manager Lynch. Mr. Lynch said it was not his duty to interfere with the operation of the Police Dept. and each Selectman also said he would not interfere. The Board said it would not investigate until there is no pending litigation. Mr. Hilliard said he would be glad to chair a civilian review board to look into the "No Knock" entry policy. Mr. Hilliard claims that the police entered his house without a warrant, knocking or his permission, that the girl had an unauthorized key to his premises. Mr Hilliard said his civil rights have been violated under #'s 2, 4, 6 and 14, Chapter 272 Sec. 9 and many police policies and procedures. There is no litigation now in process and he asks that his

request of Dec. 7, 1992 be reactivated, and that he wants his pistol permit back. Acting Chief Caron said he doesn't want an ongoing vendetta.

The BOS asked the Town Manager to call Mr. Hilliard tomorrow to set up a meeting with himself, Mr. Hilliard and Town Counsel Harrington to determine if an Executive Session is warranted. Mr. DeFreitas asked the Town Manager to review any further charges.

Attorney Joseph B. Shanahan, Jr. was present, telling the BOS that he represents the developer who developed Graniteville Farms. They have to designate a certain portion of the property for conservation purposes. Mr. Harrington has approved the form of the agreement and Mr. Shanahan asked the BOS to sign it.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the agreement and sign the form.

Paul Sullivan, Chelmsford Lions, asked the Board to back a Lions Club project to build a bandstand on the Center Common. This would be erected and paid for by the Lions, covering all expenses at no cost to the Town. They would have proper lighting and a good sound system for the Town's excellent band. They want a raised bandstand - a poured cement foundation with brick facing. They won't know the size until after they get the Board's backing. The Historic District Commission has the final say as to appropriateness but there was a bandstand on the Common in 1905.

Mr. DeFreitas appointed 2 selectmen to work with the Lions on this project as a Subcommittee - Mr. Brem, CH and Mr. Joyce, and asked them to find out the reasons for the failure of the last bandstand project. Mr. Sullivan noted that the Lions Club has just completed a bandstand in the Town of Tewksbury.

Catherine Frazer, New England Telephone Company, presented a joint pole petition to place one pole on Dalton Road to service a new home at 79 rear Dalton Road.

John Coppinger asked Ms. Frazer about basketball hoops on telephone poles, noting that Town Counsel Harrington had agreed with NET Co. in July, 1992 that they should not be allowed on poles. Mr. Coppinger said that a letter was sent on August 3, 1993 to James Kenny, NET Business Office Manager, asking for assistance in removing the hoops on poles on Jessie Road. Ms. Frazer said this shouldn't be brought up in a Public Hearing.

No one present spoke in favor of or opposition to this petition. Motion by Mr. Brem, seconded by Mr. Joyce, to approve the petition. Vote was 4 in favor, 1 opposed (Mr. Logan).

Ms. Frazer told the Board that she had met with Mr. Brem, Mr. Lynch and Penny Hamel from Mass. Electric this morning to discuss the issues of leaning poles, etc. and Mr. Brema asked for better plans to accompany pole petitions when submitted.

Ms. Frazer said the need an extra set of Assessors Maps, which cost about \$1200.

Mass. Electric had submitted a petition to place one pole on Acton Road but no one was present to explain the petition to the Board. Motion by Mr. Brem, seconded by Mr. Joyce, unan. to table this petition until Mass. Electric contacts us to reschedule the hearing.

The Board then met with members of the School and Finance Committees to discuss the Fiscal Forecast. School Committee members present were: B. Ward, J. Mallette, C. Olsson, W. Marcks and B. Frantz as well as Supt. of Schools Dick Moser and Bus. Manager Bob Cruickshank. Finance Committee members D. Hayward, M. McCall, H. Matzkin, B. Skaar, B. Kaltookian, C. Piper and J. Morrison.

Mr. Lynch presented the summary of the FY95 budget, which he said is preliminary but he won't be able to finalize it for a while due to school reform. He showed a graph of the balanced budget and then a second graph showing the upward trend in revenue and expenditures.

Mr. Lynch said that revenue dries the budget - that we try to spend what is available, not what the depts. wish. The projected tax increase is 1.9%, not the permitted 2.5%. The Senior Center is coming off the debt schedule, and the sewer debt is dropping. He is keeping State Aid level funded although he thinks the legislature will increase local aid for education reform. There is a small decrease in available funds and a decrease in Free Cash.

Mr. Lynch then went over expenditures, noting that Municipal Administration is up 6.2%, due to large number of elections and in-house evaluations; Schools a 2.6% increase to comply with school reform; Public Safety up 2.2%, and the police contract has not yet been settled; DPW up 3.6%, although the Sewer operation is becoming self-sufficient and we are trying to make the Cemetery Dept. also self-sufficient; Community Services up 5.8% and the Library 1.2%. We show a balanced budget but a lot remains to be done, fine-tuning, etc.

FinCom members discussed other ways of finding revenue - payment in lieu of taxes, increasing fees, etc.

Dr. Moser said that the added revenue to the School Dept. just begins to cover costs. They are expecting a \$775,000 increase in State Aid and looking at school choice, we have 33 high school seats that could bring in \$116,000. He said that \$1.5 mil is the total outside revenue we can expect. Dr. Moser said that we will have 140 new students next year and going over School dept. expected increase we have a tremendous problem - app. \$440,000 exposure. Dr. Moser concluded that we have cut the FY94 budget by 1/2 mil. since last May and there will be cutbacks in staff for next semester and we are still 2 - 3 years behind in state goals

for Chlmsford.

Mr. DeFreitas asked for comments, saying that the budget process will go on, and this is the first step. Dr. Moser commented that they will have to look at more efficient programs or at increasing class size. Mr. Lynch said he hopes to have the final budget done by February.

School and FinCom members then left the meeting.

At 9:05 p.m. Chairman DeFreitas called the meeting back to order.

Under Reports, Mr. Lynch read Mr. Hilliard's letter of Dec. 11, 1992 re the No Knock policy and his own memo to the BOS dated Dec. 10th. Mr. DeFreitas told Mr. Hilliard to still meet with Mr. Lynch and Town Counsel.

Mr. Lynch reported that re the opinion on the vote on the Center School, Town Counsel has reported that under Chapter 40, Sec. 3 the property must remain under control of the BOS for the term of the lease. A transfer at this time is not valid under CH40, Sec. 16A and will not be until June 30, 1998. Mr. Joyce said he had asked Town Counsel how the BOS could bind their decision and Mr. Lynch said they can't.

Re Abatements, Mr. Lynch had sent a memo to the BOS indicating that there has been a large number of industrial and commercial abatements granted, and the number has gone up over the past few years.

He reported that re the impact of new properties on the tax rate the rate is \$16.87, up \$.87 from FY93. He read a list of the increase in taxes on various valued properties.

Mr. Lynch reported on Streetlights, stating that Mass. Electric has said they should be being ocnected now. M. Logan asked when were they supposed to start work and Mr. Lynch said the actual bid award to the electric supply contractor was made in July or August. Mr. Logan asked if we have the supplies in house is Mass. Electric holding us up and Mr. Lynch said they've started work now.

Mr. Lynch reported that during the light snowfall over the weekend the DPW did sand and salt. He explained that the Town has no No Parking ban but we call a Snow Emergency when necessary on a storm-by-storm basis.

Mr. Lynch said he had requested Town Counsel's opinion on putting stop signs in private parking lots and he has determined that we currently are not able to require individuals to put signs in parking lots on private property.

Mr. Lynch reported that a Roberts Field Playground Committee

has been formed and will work closely with the DPW.

Mr. Lawlor reported that there was no meeting of the LRTA this month, but they were in receipt of a large federal grant which was used to purchase new buses, both bi and small, which will be delivered within 45 days. This was largely due to Congressman Meehan's efforts.

Mr. Brem reported that he and Mr. Lynch met with Mass. Electric and New England Telephone today in response to a letter from Mass. Electric asking for reimbursement for a \$7,000 study to dispense with overhead wires from Rte. 495 to Chelmsford Center. Mr. Brem said that more unanswered questions came from this meeting and the utility companies don't seem too thrilled with the project - the phone company owns the poles and they will do a study. This will be an expensive endeavor and maybe should be part of a larger project so we could try for grant money. Mr. Brem reported on Water Consolidation that he will be contacting the water departments after the first of the year.

Mr. Logan asked about the flags in the Center on Veterans' Day and asked where they were. Mr. Lynch said they are not normally put up on Veterans' Day. Mr. Logan asked about a policewoman out on injuries and Mr. Lynch said he will discuss this in Executive Session.

Mr. Joyce asked Mr. Lynch to have a salary stipend survey of the local BOS's done.

Mr. Joyce asked for an update on streetlighting at the next meeting.

Mr. Joyce said he is aware of the Public Safety concerns that we are missing out on technology in our Police Dept. - that all the surrounding towns have Police car computers. Mr. Lynch said that this is already in the plans and he will make it a priority.

Mr. DeFreitas recommended that the Chelmsford Community Band has been rehearsing at the High School but they can't afford to pay the charges. He has asked the Town Manager to find a new place for them and they now may use the Old Town Hall on Tuesday evenings.

Mr. Brem reported that Loral/Frequency Sources has received all permits and is starting their treatment plant.

Under Policies Mr. Joyce said he will have a new policy re restitution at the next meeting.

Under policies previously submitted: 1. Tax Classification requiring Assessors to have information to BOS 14 days prior to hearing and 2, Quarterly reports on Town Manager goals,

motion by Mr. Logan, seconded by Mr. Lawlor, to approve. The first Town Manager report will be in January, then April, July and October.

Under Contract Awards, Mr. Lynch discussed the Employee Assistance Program, stating that there has been an increase in mental health medical claims and the EAP concept has been used increasingly in the private sector and in other Towns, Andover and Belmont, for example. He interviewed 2 firms and PPC from Woburn has been awarded the contract. We should see a reduction in mental health medical claims, and one service that will be provided is sexual harassment training. The contract is based on the number of employee and should be less than \$30,000 per year. We should easily save that much in claims this year.

This would be a confidential service, between the employee and PPC. They will have staff available in Chelmsford 24 hours a day, and they will only report on how many employees and what type of problems they have seen.

Motion by Mr. Logan, seconded by Mr. Brem, unan. to approve the awarding of this contract.

The ambulance service bid was then discussed. Mr. Lynch said that we received two bids (plus one today) from Frontline and Trinity. Mr. Lynch is awarding the bid to Trinity. They will have a dedicated ambulance housed in the Town and centrally located, excellent backup service, good response time - their target response time in Chelmsford is 4 minutes. They will take over on January 1st.

Mr. Joyce asked if we can require reports on a monthly basis, and Mr. Lynch told him Yes, the language is there and we will follow up on this. Mr. Logan asked if there are cost caps that we can impose and Mr. Lynch said they have to stay within the quoted rates.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the contract. Vote was 4 in favor, 1 abstention (Mr. DeFreitas, due to a possible business conflict).

Under Other Business, motion by Mr. Lawlor, seconded by Mr. Logan, unan. to approve two (2) one day all alcoholic licenses for St. Vartanantz Armenian Church for Dec. 18 and Dec. 31.

The Board then went over the approval of annual license renewals.

All Alcoholic Common Victualer: approve renewals of Banqueter, Mai Kai and Meadow Lounge contingent upon payment of all taxes owed the Town; approval of the Glenview Lounge, since the transfer of ownership was approved by the BOS and not the ABCC, contingent upon resolving the issue with the ABCC and the Dept. of Revenue.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve the renewal of all the All Alcoholic Common Victualer

licenses with contingencies except Ciro's and Vincenzo's. Motion by Mr. Brem, seconded by Mr. Joyce, to approve the renewal of the All Alcoholic Common Victualer licenses for Ciro's and Vincenzo's. Vote was 4 in favor, 1 abstention (MR. Lawlor due to a conflict of interest).

All Alcoholic Innholder: motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

Wine and Malt Beverages Restaurant: Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve contingent upon payment of taxes by Country Club USA.

All Alcoholic Restricted to Wine and Malt Beverages: Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve contingent upon payment of taxes by Seafood Connections and D' Amico's.

All Alcoholic Club: motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve.

All Alcoholic Package Goods Store: motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

Wine and Malt Package Goods Stores: McMahon's Chelms. Inc. owes back taxes and does not appear to be open. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve renewals for Cedar House and Ted's Market. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to not renew the license for McMahon's Chelms. Inc.

Theatre: motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve 8 licenses for Route 3 Cinema City.

Automatic Amusement Licenses: motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve renewal of the list.

Billiard Parlor: motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve contingent upon taxes being paid by Country Club USA.

Taxi Licenseses: motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve.

Weekday Entertainment: motion by Mr. Brem, seconded by Mr. Joyce to approve, subject to payment of taxes by the Banqueteer, Country Club USA, Mai Kai and Meadow Lounge. Vote was 4 in favor, 1 abstention (Mr. Lawlor due to conflict of interest with #21 on list).

Class I and II Auto Dealer: motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve renewals subject to all taxes being paid and all restrictions being adhered to.

Cedar House: Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the change in hours requested by Cedar House, 122-126 Tyngsboro Road, contingent upon there being no need for a Public Hearing.

Common Victualer Licenses: motion by Mr. Brem to approve subject to the restriction that any and all taxes owed the Town are paid prior to the issuance of the license.

Mr. Joyce asked if the BOS can restrict hours of operation on Burger King at Drum Hill and Summer Street, and McDonald's at Drum Hill.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve all renewals except both Burger Kings, McDonald's and both Dunkin' Donuts.

Motion by Mr. Brem, seconded by Mr. Logan, unan. to approve renewal of both Dunkin' Donuts.

Motion by Mr. Lawlor, seconded by Mr. Brem, to approve McDonald's. Vote was 4 in favor, 1 abstention (Mr. Joyce)

Motion by Mr. Lawlor, seconded by Mr. Logan, to approve renewal of Burger King at Drum Hill. Vote was 4 in favor, 1 abstention (Mr. Joyce).

Motion by Mr. Lawlor, seconded by Mr. Logan, to approve the Burger King on Summer Street. Vote was 3 in favor, 1 opposed (Mr. Brem), 1 abstention (Mr. Joyce).

Motion by Mr. Joyce, seconded by Mr. Brem, unan. to ask the Town Manager to report back to the BOS on all establishments that are open after midnight.

At 10:45 p.m. motion by Mr. Lawlor, seconded by Mr. Brem, unan. to adjourn to Executive Session to discuss pending litigation and contract negotiations and exchange or sale or real property. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce-Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye.

For the Board of Selectmen, by

30 FEB -1 PM 4:59

Regular meeting and Work Session of the Board of Selectmen held Monday, January 3, 1994 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Jeffrey A. Brem and William R. Logan. Selectman Robert P. Joyce arrived at 7:25 p.m. Town Manager Bernard Lynch was also present.

Daniel McMahon addressed the Board in Open Session, stating that he had filed a renewal affidavit for the operation of McMahon's Chelms. Inc., Wine and Malt Beverages Package Store at 65 Middlesex Street, North Chelmsford. He said that he has heard that the BOS did not vote to approve the renewal of his license. He stated that he had planned to re-open the store the middle of December but is still doing work required by the Board of Health.

Mr. Lawlor told him that when the BOS visited his store on December 11th it appeared to the BOS that the business had been discontinued and Mr. McMahon said that he needs to be in compliance with the Board of Health on 4 issues before he can open to sell even dairy products or cigarettes. Mr. Logan commented that when they tried to inspect the premises they found that the electric meter had been turned off.

Mr. Lawlor said it is the intention of the BOS to work with him as a Board.

Mr. Lynch told Mr. McMahon that he has tax issues both with the Town and the State Dept. of Revenue that need to be cleared up, and that it appeared he was not in operation. The Board told him to have the Board of Health send us a letter when their requirements have been met and once he has his taxes and vendors all paid up he may apply for a new license. Mr. McMahon said he hopes to have this done within the next week.

At 7:20 p.m. the BOS took a 10 minute recess.

Chairman DeFreitas called the meeting to order at 7:30 p.m.

A Dog Hearing was held regarding a dog Nickles owned by Mr. and Mrs. Richard Pickford, 24 Sunset Avenue. Ms. Susan Brooks 20 Sunset Avenue had requested the hearing, stating that Nickles has twice bitten her son, once on August 5, 1993 when he was riding his bike and again on December 10 when he was walking down the street. Ms. Brooks said it is unacceptable to have her son bitten twice and feels the dog poses a large threat to her son.

Acting Police Chief Armand Caron had sent a letter to the Town Manager's Office on Dec. 15 stating that he and Dog Officer Frank Warren have advised the Pickfords that they will have to keep their dog muzzled and tightly leashed until tonight's hearing and they have agreed. Ms. Brooks was also notified of this arrangement.

Ms. Pickford said that she agrees with what Ms. Brooks had said, that she did pay for the first hospital bill for Kevin, and that she made a mistake in judgment on Dec. 10 when she was walking her mother and the dog and Kevin came down the

street and the dog bit him very quickly. Ms. Pickford said that their back yard is fenced in, and that they had Nickles castrated after the second incident. She said that the dog is a family pet and very protective to he mother. They have received no other complaints and the dog is not aggressive towards other children. She wants no harm to come to Kevin. Mr. DeFreitas closed the Public Hearing and asked for Dog Officer Frank Warren to testify. Mr. Warren said that he has not been directly involved but they have told him what they have said here and he has no recommendations. He has not seen the dog himself but always checks for licenses and proof of rabies vaccine. He told the owner to keep the dog muzzled and restrained. Mr. Joyce asked if there is a mandatory quarantine after a dog bite and Mr. Warren said if the dog was running loose it would be confined to the pound for 10 days.

Mr. Pickford said that the dog is muzzled and that he is walked early am, and mid and late pm's.

Mr. Lawlor said that the options to the BOS are to banish the dog from Town or have him destroyed but we try to have a probationary period and asked Ms. Brooks if she would go along with this.

Ms. Brooks said that the dog is still often in the street and still attacking her son, and he can escape out their front door since their front yard is not fenced in. Mr. Lawlor asked her what if the dog is not allowed out of the fenced yard and Ms. Brooks said she is still uncomfortable putting her son's safety at risk.

Mr. Logan suggested that the Pickfords keep the dog in the fenced in backyard, that Mr. Warren meet with the Pickfords, see the dog in operation and judge the dog's temperament.

Mr. Lynch said he will follow up as to why Ms. Brooks calls to the Dog Officer aren't in the police log.

Mr. DeFreitas asked why don't the dog and the boy get along

and Ms. Brooks said that her son was first riding his bike and then walking in a public way. If the dog isn't banned from Town it is her responsibility and not fair to her child to be a guinea pig. She stated that the point is that the dog has attacked her child twice.

Mr. DeFreitas reopened the Public Hearing and a neighbor, Joan McMillian, 23 Sunset Avenue. said that Kevin is a gentle boy, who wouldn't antagonize the dog. The dog is playful and energetic, and noted that when Kevin visits her, she holds her dog.

Mr. Logan moved to have Mr. Warren get out there and see what the problem is and report back to the BOS on Jan. 24th and to keep the dog confined either in the backyard or inside for the next 20 days, seconded by Mr. Joyce.

Mr. Lawlor said he will support the motion but after the report from the Dog Officer would consider banning the dog from Town.

Mr. DeFreitas said he feels the dog should be removed should be removed since it is affecting Kevin's quality of life and

he will not support the motion.

Mr. Logan said he agrees with the Board's concerns but thinks the dog owners are trying, and insists on the dog's being confined because he doesn't want to be responsible for any action taken against the Town because of the dog.

The vote on Mr. Logan's motion to have the Dog Officer evaluate the dog and the dog be confined until after January 24th was 4 in favor, 1 opposed (Mr. DeFreitas because he is concerned about the liability to the Town if the dog bites again).

The Board then held a Public Hearing on the renewal of the Class III Auto Dealer's license for North Chelmsford Auto Parts, Inc., Sleeper Street. Charles D' Angelo, President was present.

Mr. DeFreitas said that the area was to be cleaned up over a period of time and he read a letter from the Conservation Commission stating that they have made numerous site inspections and the site is in compliance with Massachusetts and Chelmsford Wetlands Protection laws.

A letter had been sent to Mr. D'Angelo from the Town Manager in response to a letter of complaint received from Michael Sweeney, 7 Sleeper Street.

Mr. Sweeney was present and said there is a lot of trucking debris falling onto the road which has a foul smell. He has swept the roadway at least 4 times this fall. They have told him that they can only use Sleeper Street as access to the yard and he has asked that Mr. D'Angelo put down some crushed stone.

Mr. Lynch said he has written to Mr. D'Angelo that Sleeper Street is no to be used as a common access, and Mr. D'Angelo stated that he has been there 36 years and there have been complaints before that he has always rectified. He added that Butterfield Street only allows 5 tons and the heavy trucks have to use Sleeper Street. The gates are not kept open and are opened only to bring in or take out a load. The dirt is not contaminated, but he will put crushed stone down on the roadway when it is thawed.

Robert Rockwood, Yard Manager said that the 5 ton bridge on Butterfield Street has been lowered to a 3 ton limit. Mr. Lynch said he will report back on the culvert weight limit, that he was not aware that it had been lowered from 5 to 3 tons.

Mr. D'Angelo concluded that he tries to live with his neighbors.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan.. to approve the renewal of the Class III license with the conditions from past years and the condition that the crushed stone be put in the roadway.

Lisa Furgette, Mass. Electric Company, was present with a petition to place one new pole across from Pole 66 on Acton Road to put a new switch from the New England Power right-of-

way through the Jones and Lewis Farms. The present switch can only be reached with a bucket truck. They will put the pole on Acton Road at the bottom of the embankment in line with Pole 66 on the right-of-way with the switch handle about 15 feet off the ground and locked. This will enable the power company to get the power back on faster if the power goes out.

The line ends at 247 Acton Road and they will take out the pole there and run anchors from the dead end pole.

Motion by Mr. Logan, seconded by Mr. Lawlor, unan. to approve the placing of this pole.

Jeff Furness, Manager and Robert Campbell, Owner of Pockets Billiards, 313 Littleton Road were present asking for two Automatic Amusement licenses for video machines. They are not graphic, one is Aliens and one Double Dragons. Mr. Furness said that the machines will be to the right as you walk in the door. Sixty percent of the patrons are young people and 40% families.

Mr. Joyce asked about loitering and Mr. Campbell said that they cater to college kids and family crowds.

Motion by Mr. Lawlor to approve, seconded by Mr. Joyce, to approve provided that the Police Chief signs off on the second application. The vote was 4 in favor, 1 abstention (Mr. Brem).

At 8:45 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce, to adjourn to Executive Session to discuss pending litigation with Town Counsel. Roll Call vote was as follows: Mr. Lawlor-Aye; Mr. Joyce- Aye; Mr. Brem-Aye; Mr. Logan-Aye and Mr. DeFreitas-Aye.

For the Board of Selectmen, by

J. J. E. Carter

7-21
SHARMA 72 APR 1987

Regular meeting of the Board of Selectmen held Monday, January 31, 1994. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

No one wished to speak during the Open Session. Chairman DeFreitas called the meeting to order at 7:30 p.m.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the minutes of the meetings of: December 13, 1993 (Reg. and Exec.) December 21, 1994 (Exec.) and January 3, 1994 (Reg. and Exec.)

Under Public Service, George Simonian announced that the 4th Annual CHS Alumni Hall of Fame induction will take place on March 12 at the Lowell Sheraton. Mr. Simonian listed the 9 new inductees and said that a new Golden Lion Award to an individual or organization is going to the Chelmsford Lodge of Elks. Mr DeFreitas congratulated Mr. Simonian on his own induction into the group.

Joyce McKenzie, member of the Cultural Council, addressed the Board, stating that the Council is holding a Community Input Meeting on March 7 and all are invited. She said that the Council operates on two levels, the Town and the State and they want a little more direction from the community and organizations that they've funded. They have an open format, with give and take, and as mandated by the State they are doing a community performing arts series.

Mr. DeFreitas announced that the Friends of the Library are holding a meeting on the History of our Town on February 3rd at the Carriage House.

A Public Hearing was held on the application of Adams Corner Variety Store for a Wine and Malt Liquors Package Store license. Attorney Dennis McHugh represented the applicant Richard Vargelitis and told the Board that the purpose of the license would be to serve walk-in clients from the western part of North Chelmsford. The building is 1760 sq. ft. with 1500 sq.ft. of retail space.

Mr. Vargelitis wants to install four (4) 6'x3'coolers which will be lockable devices with inside steel curtains that can be shut and locked to close off that area.

Attorney McHugh said that Mr. Vargelitis is 35 years old and graduated from the Chelmsford School system. He purchased the Adams Corner Variety Store three years ago and likes the flexible schedule.

The store is open from 6 am to 11 pm seven days a week and is asking to sell alcohol from 10 am - 11 pm daily and from 12 noon to 11 pm on Sundays. Mr. Vargelitis has registered to take a course in alcohol selling through John Harrington.

Attorney McHugh said it shouldn't add any extra traffic, that

his customers are mostly walk-in. The store would be similar to Cedar House and McMahon's, serving a particular neighborhood.

Chairman DeFreitas asked if anyone present wished to speak for or against this application.

Bob Figenbaum, owner and manager of North Chelmsford Wine and Liquor, 40 Vinal Square said that 3 licenses - his, Cedar House and McMahon's - are enough to serve the public in that area. Mr. Figenbaum said that he has had teenagers trying to buy alcohol, and he has heard that Adams Corner has lost their Lottery license.

Patricia Hebert, 21 Dunstable Road addressed the Board, showing them articles that her children had allegedly bought at Adams Corner - cigarettes, No-doze, Vibrin, lighters and butane fluid. She said that all the kids hang out there, and that Mr. Vargelitis is irresponsible and shouldn't have a license to sell alcohol.

Susan MacDonald, 31 Ripley Street, said she has two teenage sons and is having a problem with them buying chewing tobacco, Vibrin, butane and lighter fluid. She said that all the teenagers congregate there and the store doesn't have a very good reputation. As parents they are all concerned.

Edith Lawlor, 17 Noble Drive said she is a clerk at North Chelmsford Wine and Liquor and that she asks kids for ID's when they want to purchase cigarettes and they have told her that you don't need an ID at Adams Corner. She is concerned that kids are constantly hanging around the store, and also the lack of parking at Adams Corner.

Rev. Harry Foster, 31 Groton Road said that there are three places to purchase wine and beer in North Chelmsford and that is more than enough in our community.

Linnea Fader, 209 Main Street asked if all the Board members have been in Adams Corner and Cedar House, and asked that their decision be tabled until the owner has completed schooling and has a concern over the number of places selling in North Chelmsford.

Chairman DeFreitas said it is not the Board's policy to vote at a Public Hearing and closed the hearing at 8:50 p.m.

Mr. Lawlor asked if real estate taxes have been paid and how much of the business will alcohol take up. Mr. McHugh said it will not take up much space and will be an accessory, not a major item. He asked if there will be signage in the window and Mr. Vargelitis said Yes. Mr. McHugh added that he cards minors for cigarettes. Mr. Lawlor asked if the facility is within 500 feet of the North Congregational Church and Mr.

McHugh said Yes, they were notified.

Mr. Brem commented that parking is obviously an issue and Mr. McHugh said there is no on site parking and no additional storage area for alcohol.

Mr. Brem questioned the Statement of Need and Mr. McHugh said there won't be a large inventory, it will be mostly walk-in traffic and minimal impact on other stores. Other stores serve a specific neighborhood and Mr Vargelitis wants to, also.

Mr. Logan asked why he sells butane and no-doze and Mr. McHugh said that Mr. Vargelitis has concerns, also. He has other problems with marketing but it wouldn't hurt his business to cut out no-doze, butane and chewing tobacco; however he tries to have variety.

Mr. DeFreitas said he wants to know the age of the clerks and number of clients who are underage vs. over 21. Attorney McHugh said that the age of the clerks is one mature, one younger than 30 and that 65% of the customers are mature, and 35% younger than 21.

Motion by Mr. Lawlor to waive the policy of waiting 2 weeks to vote on a liquor license, seconded by Mr. Joyce. Mr. Logan wants to wait and hear from more people. Vote to waive the policy was 3 in favor, 2 opposed (WRL and JAB).

Mr. Lawlor moved to deny the application for the following reasons: insufficient need for another package store in the Vinal Square area; substantial concern regarding the information provided to the Board at the hearing that the applicant may not be suitable at this time to sell beer and wine; and that there are substantial concerns regarding traffic and parking, including the fact that there is no on street parking. Motion seconded by Mr. Joyce, vote was 5 in favor, 0 opposed to deny the license.

Attorney James M. Geary Jr. was present to discuss the letter he had sent to the Board re the Town's Right of First Refusal to purchase three acres of land under CH. 61A. The Lupiens want to sell a 3-acre parcel of their land on the corner of Westford, Cortland and McIntosh for \$110,000 to the Baraldi family.

Mr. Lawlor explained that the Lupien property comes under Agricultural Restriction and explained the process. Mr. Geary said that the property was declared agricultural in FY83, more than 10 years ago, and the Board of Appeals has granted a variance for only 40' of frontage on a public way. Town Manager Lynch said that the Town has no use for the property and he recommends that the BOS waive this right. Motion by Mr. Logan, seconded by Mr. Lawlor, unan. that the Town waive its Right of First Refusal.

Acting Police Chief Armand Caron was present requesting the Town to approve a schedule of increased parking fines. He told the that in 1981 the Town adopted legislation that empowered the BOS to set parking fines. Our current fines were set in 1981 and never increased. He is proposing to increase from \$5.00 to \$10.00, from \$10.00 to \$20.00 and from \$15.00 to \$25.00. They are now printing new parking tickets for \$1000 for 2500 tickets and this is the time to approve the increases. They have also raised the fine for illegal use of a handicapped placard to \$100.00.

Mr Lynch recommended approval.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

Chief Caron said that our fines are still lower than other towns. Mr. Logan asked if we have had any problems with parked cars on the street during storms and Chief Caron said we can ticket in a Snow Emergency.

Under Other Business the Board had requested a report from the Dog Officer on the dog Nickles belonging to the Richard Pickfords, 24 Sunset Avenue. A hearing had been held on January 3, 1994.

Dog Officer Frank Warren said that he has had 3 brief visits with the dog and the dog has nothing to do with him. He has found the dog to be calm, not violent and he feels the dog should remain in Town. The Pickfords know that they don't have another chance, that nothing else can happen, and he feels they are not sure if they are going to keep the dog. They know they must obey the leash law and Mr. Warren has no firm recommendation regarding the muzzle. Mr Warren feels the Pickfords have learned their lesson and will never allow him to be unleashed again.

Ms. Susan Brooks, 20 Sunset Avenue who had requested the hearing on January 3rd because the dog had bitten her son Kevin twice, asked to speak. Ms. Brooks said that Mr. Warren didn't address the fact that the Pickfords front yard is not fenced and the dog could escape through the front door. No one has contacted an Animal Behavior Specialist. Her son has been bitten twice in 4 months and she is concerned that the dog has bitten the child when the owner was there. She said that the Pickfords claim that her son's safety is paramount and she would have gotten rid of the dog if she were them.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to order that the Pickfords' dog Nickles be removed from Town within 30 days from this date, and all restrictions remain in place until that time, including the dog being muzzled on his way to any vehicle.

Mr. DeFreitas said he supports quality of life for the boy, not the dog.

Vote on the motion was 5 in favor that the dog be removed from Town.

Mr. Lawlor read the Special Voter Registration Hours as

requested by the Town Clerk.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the hours as requested.

Mr. Lawlor said he would like to recognize Ruth Wheeler's 95th Birthday.

Mr. Lawlor reported that he had attended the MMA conference in Boston this past weekend, along with the Town Manager and most BOS members. It was a good forum to share ideas and learn from other communities.

Mr. Joyce asked about plowing priorities - and requested the Town Manager to add side walks from the elderly housing to Vinal Square to the DPW list. He also asked about plowing sidewalks in the business district and was told that sidewalks in the school areas are the first priority.

Mr. DeFreitas asked for Subcommittee reports.

Mr. Brem said that he and Mr. Joyce are on the Bandstand Subcommittee and that the Chelmsford Lions had offered to put a bandstand on the Common. They had met with the Lions and the Historic District Commission and were hoping for public input. The major concerns appear to be that the stand would be too large for the Common, and they looked at other alternatives - other types of structures and moving the bandstand to other areas.

Mr. Brem received a letter from the Lions Club today that they're withdrawing their proposal for a bandstand and looking for other projects.

Mr. DeFreitas said we have an alternate proposal from another group to submit another site for a bandstand and Mr. Joyce said the Chelmsford Elks have proposed a complete park project. Mr. DeFreitas said he is re-establishing the committee with Mr. Joyce chairing it.

Mr. Lawlor reported that the Charter Subcommittee has done nothing yet and Mr. Joyce said he wants to meet.

Mr. DeFreitas asked the subcommittee to come up with some charter changes.

Mr. Lawlor reported on the LRTA, stating that they have voted to place literature from the AIDS Action Committee on the LRTA buses, and we will receive a new vehicle from the LRTA for the Council on Aging.

The Public Safety Subcommittee will defer their report to the Town Manager's reports.

Mr. Brem reported that the Water Subcommittee hasn't met yet but he has talked with Ronald Wetmore and they will try to arrange a time for a joint meeting.

The Town Manager then gave a Status Report on his FY94 Initiatives, saying that he will be discussing his goals on a quarterly basis, but this will be a 6 month report.

1. **Five year Plan** - is moving forward. The Capital Planning Committee has been meeting with department heads re FY95 budget requests and also 5 year requests and projects - new facilities, sewerage, road improvements and will draw up a financial blueprint.
2. **Public Safety** - he is filing positions and hopes to appoint the Public Safety Director at the next meeting in February. We have filled 7 positions in the Fire Dept. and 4 in the Police Dept. are now at the Academy and 2 more will be hired.
3. **The Assessors Division** has been restructured and will do more in-house assessing. When we're over this year's re-evaluation we can reduce the payroll by \$10-20,000 and our outside assessing by an additional \$10-15,000.
4. **FY95 Budgets** are nearly complete but complicated by school reform and lack of clarity in state aid. The School Dept. is looking for a 10% increase and we are working with our State Rep. and Sen. and the DOR to see what is happening. Mr. DeFreitas said that another town level funds through September and takes up the real budget at the Fall Town Meeting. Maybe the Charter Commission should look at a change. Mr. Lynch said that health insurance is bordering on a crisis - our budget has stayed fairly level but this year we will have to transfer into this budget. HMO costs have gone up and we have more people enrolled. We will need \$300,000 from Free Cash. He added that FY93 has been closed out and audited and also on a positive note that the State is giving \$160,000 more to the Towns in lottery money. We are now trying to scrunch numbers and cut back in some areas. We have been conservative in our revenue estimates and do not anticipate any large increases. Mr. Lynch said that he will not recommend an override, but the budget has to be submitted to the FinCom by mid February and we need clarification on state aid.
5. **Community Service Improvements** - we have several self-sustaining programs and he is hoping to go forward with a Community Service Council.
6. **Centralized Community Development** - increasing cooperation and dialogue between permitting agencies to streamline the permitting process and make it user friendly. The Land Use Coordinator is helping in this process, and also grantwriting, doing an open space plan and assisting EDP. He hopes to call a meeting of the

permitting agencies within 45 days.

7. **Comprehensive Annual Financial Reports (CAFR)** - we have had an audit done and are providing balance sheets. The Finance Dept. is bogged down right now and CAFR is on hold.
8. **New Library Facility** - we have sold the Tait painting for \$120,000, and appointed a building committee who will recommend an architect.
9. **Total Quality Management** - a customer service program that is a long-term goal for Chelmsford.
10. **Reporting Improvements** - now providing monthly reports from all departments and are working towards a weekly or bi-weekly highlight sheet. Mr. Joyce said that the monthly report is excellent.
11. **Initiatives Still Pending** - three issues pending from FY93. **Computerization of departments** is ongoing, with the Police Dept. MIS up and running and the Fire Dept. scheduled for early FY95. **Personnel Compensation and Classification** is virtually complete and will be implemented in FY95. **Library and Police Patrolmen contracts** - Library has settled, and we are awaiting the factfinders report on the Police contract.
12. **New Initiatives** - **Employee Assistance Program** introduced and we are looking into an organizational change related towards Human Services. We are beginning to focus on **Central Square and the Route 110 corridor**, and are continuing work on the **Bike Trail**.

Mr. Lynch concluded by saying that we are continually moving towards improved local government and he hopes to have a similar report in April.

Mr. Lynch reminded everyone that taxes are due tomorrow, and explained that the rate is up \$.87 per thousand over last year and stated where the increases have occurred.

In the **Snow and Ice Account** Mr. Lynch reported that as of today, Jan. 31st, we have spent \$300,000 out of a \$350,000 appropriation. He feels we are providing good service under adverse conditions and commended the Highway Dept., DPW and private contractors. We have 190 road miles and a small DPW, with only 16 - 18 vehicles. We have privatized many services, except in the winter. The same complaints are still with us - we either plow too much or too little and Mr. Lynch explained that the first pass through a street is to make the road passable for emergencies, the second is to widen for more snow, and the third is to dig out catch

basins. A large storm costs each home in Chelmsford about \$6.00. Mr. Logan asked Mr. Lynch to ask the DPW to not plow the grass on Wildes Road.

Mr. Lynch reported on establishments that are open 24 hours a day, noting that the only one is McDonald's but they, Burger King and Bickford's should post signs that say "No Loitering is Permitted - Police Take Notice". The Board requested that McDonald's come in to the next meeting to discuss their hours of operation and also to schedule a Public Hearing for the new Cafe Aroma on Chelmsford Street to get their Common Victualer's license.

On the streetlight project Mr. Lynch reported that we will be saving \$40,000 for FY95 and that Phase I is almost completed.

Chairman DeFreitas reported that at the MMA conference this past weekend he held a meeting with Towns adjoining Route 3 at 7:30 on Saturday morning. The consensus was to move ahead with a Task Force. He has met with Lexington and Westford Boards and has heard frustration from several areas and we really need to have a separate Task Force on Route 3.

Mr. Brem asked for an update on E-911 and Acting Chief Caron said that it will be in place by November, 1994 for the whole area.

Under Appointments Mr. Lynch read a memo to the BOS, noting that there were 4 finalists for the position of Fire Chief, told them about the Assessment Center experience and that all candidates were outstanding. He is appointing John Parow from East Bridgewater as the new Fire Chief, and thanked those participating in the Assessment Center, and especially thanked Deputy James Sousa for his service as Acting Chief, calling him a true professional.

Mr. Brem reported that he and Mr. Joyce were appointed the Public Safety Subcommittee and met on 1 or 2 occasions prior to the Assessment Center. He felt the Center showed up qualities that were not apparent in an interview, and had hoped that one candidate would rise to the top. This did not happen - all were truly qualified and would make a good chief. He feels the choice of Mr. Parow is a good one but the subcommittee did not come to a consensus so he can't make a recommendation.

Mr. Joyce said he is disappointed that the finalist did not come from the Town of Chelmsford but will endorse the selection of the Town Manager. He feels it is imperative that the next time a chief is appointed that he come from the Town.

Motion by Mr. Brem, seconded by Mr. Joyce, to endorse and confirm John Parow's appointment as Fire Chief. Vote was unanimously in favor.

John Parow was present and thanked the Town Manager and the

Board for his appointment and said he is looking forward to working with the department and the Town.

Mr. Lynch then read a memo to the BOS on his Police Chief **appointment**, noting that when Chief McKeon retired we petitioned the legislature to take the Police Chief position out of Civil Service and this was signed by the Governor on Jan. 8th. With early retirement taking almost all the senior administration staff Captain Armand Caron was the senior person. Mr. Lynch feels that Acting Chief Armand Caron has given direction and stability to the Department over the past seven months and he is pleased to **appoint Armand Caron as Police Chief for the Town of Chelmsford.**

Motion by Mr. Brem, seconded by Mr. Joyce to endorse and confirm the appointment. Vote was unanimously in favor.

Chief Caron thanked the Town Manager and the Board and all the people in the Town of Chelmsford for their confidence in him and thanked all the members of the Police Department who made the past seven months transition easier.

At 10:00 p.m. the Board took a 2 minute break.

Continuing **appointments** Mr. Lynch said he has appointed Walter Clevon to the Council on Aging. Motion by Mr. Logan, seconded by Mr. Joyce, unan. to approve.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve the list of **Deputy Constable appointments** as submitted by Constable William E. Spence - Henry Sullivan, Chelmsford; Judith MacDonald, Chelmsford; Ira Hartwell, Lowell; Brian Sullivan, Lowell; Kevin Whippen, Chelmsford; Edward Finn, Westford; Robert Rallis, Lowell and Karen Spence, Chelmsford.

Mr. Lynch said that we have set up a **Center School Building Committee**. He has appointed Fred Mansfield, Jim Pearson and Frank Higson, 9 Wedgewood Road. Dick Moser has appointed the Business Manager, Asst. Supt. for Curriculum and an architect. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan.

At 10:15 p.m. motion by Mr. Logan, seconded by Mr. Joyce, to adjourn to Executive Session to discuss pending litigation and real property. Roll Call vote was as follows: PVL-Aye; RPJ-Aye; JAB-Aye; WRL-Aye and RDeF-Aye.

For the Board of Selectmen, by

Walter E. Carter

51 MAR 2 11:37

Work Session of the Board of Selectmen held Thursday, February 17, 1994 at 7:00 p.m. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

Mr. Brem said he had asked for this meeting to discuss long range planning, noting that in his memo of July 8, 1993 he gave specific ideas and items. Mr. Lynch had proposed very general goals, not specific, and he felt that maybe Mr. Lynch was right and drafted a new Long Range Plan dated February 18, 1994.

He went over the plan in detail - noting that in Public Safety we have problems between Police and Fire. He stated: "The Public Safety Department shall maintain a visible proactive stance in the prevention of crime and fire."

Mr. Brem wants this long term planning to be more of a consensus, and Mr. Logan asked what are our initial objectives. Mr. Brem said we need to organize and codify our goals for the Town and put in forward directives. Mr. Lynch said he doesn't agree with this prioritization -our objectives may result in a new library or a new public safety facility.

Mr. Logan said we have to decide our priorities, what comes first and Mr. Lynch said we also have to consider our fiscal constraints.

Mr. Brem said that this is the way to do strategic planning, that we have to have visions and goals first and then try to prioritize. Other topics he covered in his memo were::

Community Services: "The active role that the Town plays helps to create the quality of life."

Environment: "The Town will provide certain services to maintain and improve our environment, locally and globally."

Schools: "The Town places a high value on education by providing a balanced and varied educational curriculum."

The Board and Town Manager then went over the steps to take to meet these goals. Mr. Brem talks about drawing a web connecting various projects and functions. Mr. Lynch asked do we prioritize by function or project within the function and Mr. DeFreitas recommended doing both.

Mr. Brem said that under Environment, Open Space is a goal and we should put together a task force to come up with a plan; in fact create several task forces should be appointed by the BOS and the Town Manager.

Mr. DeFreitas said we need to write a policy and Mr. Brem said we need to write several - some will be easy to

implement, some harder and some very complex.

Mr. Lynch asked what does the BOS see for the Town on a long-term basis, and Mr. Brem said all of the advantages that Chelmsford has to offer. Mr. Logan commented that a long term plan is not set to maintain but to excel and go beyond, always looking to improve. Mr. DeFreitas said he would always want to see well-maintained fiscal responsibility.

Mr. Brem has written a memo to department heads and some boards and commissions, telling them of this long range planning process and asking for their input in the form of a description of their goals and needs and asking for a response by March 15th.

Motion by Mr. Lawlor, seconded by Mr. DeFreitas, unan. to approve the memo with the addition of sending it to the Conservation Commission, Capital Planning Committee and School Committee. Vote was 4 - 0 in favor.

Mr. Brem asked BOS members to add their goals and he and Mr. Lynch will start putting webs together and when we are done it will be clear where we're going. Mr. DeFreitas asked Mr. Brem to go one on one with Board members and also the Town Manager. Mr. Lynch said the plan will be like a Master Plan, a fluid, dynamic document. Mr. Brem said he would like to bring in a consultant but Mr. Lynch said to do it in-house for now, and maybe later bring in a facilitator.

Mr. Lynch commented that the Library has used State money - \$50,000 - for their preliminary plans, and explained the financing of the Pink House.

Mr. Lynch told the Board that there is an article on the Spring Annual Town Meeting warrant asking for \$1.5 mil to renovate the Center School. This sum has to be worked into the future Capital Planning of the Town but we have to authorize the borrowing by June 1st in order to get into the State reimbursement plan.

Mr. Brem ended the meeting by stating that he hopes to get the goals set within the next 2 - 3 months.

At 8:00 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce to adjourn to meet with the FinCom and School Committee.

For the Board of Selectmen, by

William E. Cate

RECEIVED

94 MAR 15 AM 11:47

Regular meeting of the Board of Selectmen held Monday February 28, 1994. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting James Good and Philip Currier, Directors of the Merrimack Valley Food Pantry, told the Board about this organization - that there is no need for hunger, that this group can get the right supplies to the right people but their charter says they can't deal one on one - they have to work through organizations. Mr. Good said they have given food to the Chelmsford Exchange and 25 other organizations. They hoped for 300 tons of food this year but are 40 - 45% over that already. Mr. Good said the public has to let them know who is going hungry. Mr. Currier said that the group is holding a Fundraiser at the Radisson Hotel on March 27 from 3 - 6 p.m. He said that many local as well as state officials will be there, with Boards and councils from the surrounding towns. Donation is \$25.00 but any candidate running for office may pay only \$10.00. He concluded that the Food Pantry's job is not to feed people but to provide the food.

Karen Dunn addressed the Board stating that the Emblem club is helping Fire Captain James Spinney get the funding for five (5) defibrillators, one for each fire station. They are trying to raise \$30,000 and will have a Project Gold Thermometer at the Center Station. The Emblem Club has given \$400 and donations may be mailed to the Enterprise Bank. M. DeFreitas said that the Town Manager has stated that the Town will donate one defibrillator when the goal of five has been reached.

At 7:20 p.m. Mr. DeFreitas stepped down from the chair as a BOS candidate and turned the chair over to Vice Chairman Lawlor. Mr. Lawlor said that each candidate has 5 minutes to address the audience and have done a random draw of numbers.

Cheryl Boss told her background and skills, noting that she has been a volunteer in Town for 15 years, with 10 years on the Finance Committee. Her goal is to work for a new level of quality government for the good of the Town.

William Dalton said he has been involved with the Town since 1981 as well as serving on the Fire Department. He is asking the BOS to reconsider making the Public Safety Director appointment tonight, noting that he had turned in a petition to the BOS in November with 2500 signatures but they ignored it. He favors Open Door Town Government and will be accessible to the voters.

Richard DeFreitas said he is a candidate for re-election to the BOS for a second term, that he has commitment, wisdom,

experience and leadership. Mr. DeFreitas gave his background and accomplishments on the BOS for the past 3 years and said he cares and will not run away.

Roger Blomgren gave his background and said that he had served 9 years on the BOS and now is running for a new term. He asked the BOS not to vote on the Public Safety Director tonight but to re-examine the issue. He also said we can't afford additional taxes, and he will remain committed to classification.

At 7:45 p.m. Mr. Lawlor turned the chair back to Chairman DeFreitas, who called the meeting to order.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to proclaim the month of March, 1994 as Chelmsford Scholarship Fund Month. Mr. Lawlor presented the proclamation to Mary Lou O'Reilly, President, who thanked the BOS for their help.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to proclaim Girl Scout Week the week of March 6 - 13. Mr. Joyce read the proclamation and his daughter Andrea and four other Scouts accepted it.

Mr. Lawlor presented a Certificate of Appreciation to John Harrington, who served 13 years on the Sign Advisory Committee and also is on the Chelmsford Businessmen's Association and lends himself and his generosity to all aspects of the Town.

A Certificate of Appreciation was also presented to Dr. John Droscher who contributed 13 years of dedicated service to the Conservation Commission.

Mr. DeFreitas then asked for a Moment of Silence for retired Police Officers Fred Dillon and Ron Leach, who both recently passed away.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the minutes of the meeting of January 31, Reg. and Exec. and the Work Session of Feb. 17.

Cathy Frazer, New England Telephone Company, was present with a joint pole petition to place two poles and remove one pole on Richardson Road to serve the new Lamplighter Green Development. No one present was in favor of or opposed to this petition. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the petition.

A Public Hearing was held on the application of David and Mary Lou Allen for a Common Victualer's license for the premises known as Cafe Aroma, 40 Chelmsford Street. Mr. Allen told the Board that this is a gourmet coffee shop and said hours will be 6 am - 5 pm weekdays and 8 am - 2 pm weekends. He presented the Return Receipt cards and assessors and

topographical maps and told the Board he has only 12 seats. No one present was in favor of or opposed to this application. Mr. Joyce said he is concerned that Mr. Allen opened a business and not getting the license in advance and Mr. Allen said he received his occupancy permit and Board of Health licenses but was not told that he needed a Common Victualer's license. Mr. Joyce asked the Town Manager to make sure that this breakdown in the process does not happen again. Mr. DeFreitas told Mr. Allen that if he needs to make any changes in hours, seating, etc. to come back to the BOS first.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant a Common Victualer's license to Cafe Aroma as applied for, including the restriction of 12 seats.

Frank Morse, manager of McDonald's at 17 Drum Hill Road, was present asking for approval to operate the drive-thru window only on a 24-hour basis. The hours on the Common Victualer license now are for 6 am - 1 am. Mr. Lawlor asked if there is a patrol of the parking area and Mr. Morse said he is not aware of any problems. Mr. Lynch said the Police Chief reports no major problems but does suggest that No Loitering signs be posted. Mr. Joyce said he has asked for this meeting because he was concerned about loitering. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the extended hours for McDonald's Drive-thru.

Assistant Town Counsel Victor Manougian was present with the next phase of sewer takings in the Westlands area. None of the residents appealed except #28 Ideal Avenue, John Chuma, who appealed to the DEP but the order expired January 19th. Mr. Logan said he thought the Chumas were not treated right by the Sewer Commission and the Conservation Commission.

Mr. DeFreitas then polled the BOS to let Sewer Commissioner Barry Balan speak. Mr. Balan said he was watching the meeting at home on cable TV and wanted to clarify this matter. Members unan. voted to let Mr. Balan speak. Mr. Balan said that the individual was given every opportunity to refute or rebut the taking, and the process was taken to its fullest. Mr. Chuma chose to take the legal route.

Mr. DeFreitas suggested that the Sewer Commission set forth the process in the media again. Mr. Balan stated that this was a conservation issue and we gave the individual 3 options. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept the public domain takings and the rewards and sign the orders.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to issue a One-day All Alcoholic license to St. Vartanantz for March 12th.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to approve the Town Election polling hours as requested by the Town Clerk. Mr. Lynch noted that the local elections save money by opening the polls at 10 am, not 7 or 8 am as in State elections. Vote was 4 in favor, 1 abstention (RDeF did not vote since he is a candidate for re-election).

Mr. Lynch then went over the draft warrant articles, to be voted on at the March 14 meeting.

Mr. Logan, Chairman of the Traffic and Safety Committee, said he wants to commend Town officials and past Chairmen of the T & S Committee Dennis Ready and Bill Dalton for improvements that have been made in Town. Our biggest problem area was Route 110 and Jim Pearson secured the funding from the State and the traffic lights were put in about 14 months ago. We have all been helped by this lighting project.

Town Engineer Jim Pearson and Demoulas Market Basket have worked out a signal light project at Eastgate Plaza and Demoulas will pay for the project. Mr. Logan is asking the BOS to give a positive go-ahead to the State.

Mr. Pearson then showed the BOS the plan, which was worked on with Vanesse, Hangen and Brustlin. The plan shifts Glen Avenue in an easterly direction, and the Route 3 Cinema has given up a triangular piece of land. There is a new entrance to the Rte. 3 Cinema off Glen Avenue, and an exit only onto Rte. 110. He added that the traffic volume justifies the signal lights, and the Town will be the applicant for the project.

Pompeo Casali, VH&B, said there will be a reduction in curb cuts onto Rte. 110 - one less at the Cinema and the driveway at Mrs. Nelson's Candy House will be closed. Mr. Pearson added that the Police and Fire Depts. are both represented on the Traffic and Safety Committee and both approve. The new system will be coordinated with the lights on Route 110.

Motion by Mr. Logan, seconded by Mr. Brem, to approve the concept of the plan and approve applying to the State. Mr. Brem added that we should let the State know that we are still waiting for them to re-surface Route 110.

Under Reports, Mr. DeFreitas said that his Focus on Route 3 project got a warm welcome from the Lowell City Council, who are 100% in favor of the Task Force, as are Westford, Burlington and Bedford. He said it is not a State problem because they won't admit that it is a problem - it is up to the Towns bordering it. The time has come - it's been 23 years since the roadway has been touched.

Mr. Joyce reported that the Town has been served a suit re the Pickford's dog Nickels. They have applied for clemency through the trial court. The hearing is on March 10 at 2 p.m.

Mr. Brem reported that a work session had been held on Long

Term Planning on February 17, 1994 and read his memo re the Long Term Goals. The memo is being sent out to all department heads and boards and commissions to get their input.

Mr. Logan reported that he had founded the Economic Development Partnership in January, 1992 and we have been attracting businesses to the Town. Our vacancy rate has been reduced over the last 2 1/2 years. ESA, Inc., has recently taken 60,000 sq. ft. off Alpha Road. EDP hopes to have their brochure ready by the first of April and Mr. Logan hopes that future Boards will continue to support the EDP.

Mr. DeFreitas announced that there will be a meeting tomorrow night on Route 3 to be held in Burlington.

Under Sub-committee reports Mr. Lawlor reported that the LRTA is starting a new bus service tomorrow, from Chelmsford and Lowell to Burlington and Porter Square, Cambridge. This morning the LRTA presented Chelmsford with a new \$58,000 vehicle, 18 passenger, handicapped accessible.

Mr. Lawlor reported on the Charter Sub-committee that he and Mr. Joyce held a well-attended meeting last Thursday. It was a truly representative group, a lot of good ideas were exchanged and they will hold another session.

Under Town Manager reports, Mr. Lynch reported that he has presented the FY95 budget to the FinCom. Overall it shows a 1.8% increase. There is a decrease of app. \$184,000 in available funds and local receipts are about the same. Taxes will increase about 2% for the average taxpayer. We have a 10% increase in employee health and county retirement assessments since we underestimated the costs. There is a \$202,000 decrease in debt and interest. It is a good budget overall and shows financial stability. There will be no layoffs on the non-school side. Copies of the budget are now being made for town meeting reps and candidates.

Mr. Lynch reported that Fire Chief Jack Parow started today and welcomed him on behalf of the Townspeople.

In our Snow and Ice Account we budgeted \$350,000 and are now \$175,00 over that amount. Our cost per mile of roadway is less than many other towns and improved management has cut our costs way down from 4 - 5 years ago. We expect to have a lot of potholes and collapsed drainage lines and Mr. Lynch asked the public to call the Selectline to tell of potholes and depressions.

Under New Business Mr. Logan said that tonight we have seen two businesses that have been operating either without a license or additional hours. He asked the Town Manager to bring back a report to the Board on why these things are

happening and also that we need more sign regulations. Mr. DeFreitas said we should keep on with our one-stop licensing group meetings.

Mr. Brem reminded candidates for office in the April Election that under Town By-law political signs can be put out no more than 3 weeks before the April 5th election and must be taken down no more than 2 weeks afterwards.

Mr Joyce noted that there was a very nice Law and Order night at the Elks for the Police and Fire Depts.

Mr. Lynch said the financial condition of the Town is good and he is confident we will end this year with a surplus. He will notify the Town Departments that there will be a hiring freeze in effect from March 1st for 6 months. They should do only necessary spending and we have usually been able to have most departments turn money back at the end of the fiscal year. Mr. Brem commended Mr. Lynch for following the budget through each year.

Under Policies, Mr. Brem submitted two new policies - one on Smoking an Town property which was drafted by the Chelmsford Westford grant coordinator, and one on the Employee Assistance Program (EAP), as a follow-up to the contract awarded to PPC. These will be voted on at the next meeting. Mr. Joyce asked that the policy on Town-owned vehicles be reviewed at the next meeting.

Under Appointments Mr. Lynch announced that he has appointed Jon Fesana of Los Angeles, California as Public Safety Director.

Mr. DeFreitas wanted assurance that this position was not at the expense of any police or fire layoffs and Mr. Lynch said this is true.

Mr. DeFreitas added that the BOS did not ignore the petition that Mr. Dalton referred to, stating that the BOS had 4 months of information and another two weeks would not have mattered. The Board made a policy decision on the public Safety position, based on the opportunities presented by Early Retirement. We've eliminated 6 or 7 positions that were worth well over \$70,000. Next year we're saving \$81,000 and putting on 4 more patrolmen, our chiefs are now working chiefs and don't need as much support personnel. The unions should not involve themselves in policies - the BOS is trying to run the Town like a business.

Mr. Lawlor said that we're at the end of the process - he and Mr. Logan as the Public Safety Consolidation Committee decided that the Chiefs should not be administrators but the best fireman and the best policeman. Tonight we're evaluating the candidate and he is confident in the analysis that Mr. Brem and Mr. Joyce have done, and he is glad to

back the Town Manager's choice of Mr. Fesana.

Mr. Joyce said he is not opposed to change in the status quo but we were first looking at \$160,000 in savings and now only \$80,000, due to cuts in overtime. He had suggested 4 years ago that we cut the overtime - how do we know services will be improved. If we have to put a freeze on hiring we can't afford this individual and let's postpone this appointment tonight. He agrees that Jon Fasana, but the Town Manager was appointed to run the public safety division at \$75,000 per year, and we don't need another \$70,000 appointment to do this.

Mr. Lynch said that the truth is, there is savings and read a prepared list of the savings. He said we need an appropriate level of management and will have greater costs if we don't hire him. He added that management saves money - we're trying to streamline management and consolidate overall management functions.

Mr. DeFreitas said that to save \$70,000 by not appointing a Public Safety Director we go back to the old structure of chiefs, deputies and captains and heavy upper management.

Mr. Logan said the sub-committee has done their job and it is time to move on, with a team approach.

Mr. Brem reported that the sub-committee met as requested with citizens and both candidates. He was originally opposed to the idea but impressed with the process. The sub-committee did not come forth with a unanimous recommendation. He added that he agrees with the number crunches in Mr. Lynch's sheet and his concern now is will consolidation work. It is time to stop wondering and Jon Fesana has impeccable qualifications and he supports him wholeheartedly.

Motion by Mr. Brem to ratify the Town Manager's appointment of Jon Fesana as Chelmsford's first Public Safety Director. Chairman DeFreitas asked for a vote: Mr. Lawlor-Aye; Mr. Joyce-Abstain; Mr. Brem-Aye; Mr. Logan-Aye; Mr DeFreitas-Aye. Vote was 4 in favor, 1 abstention (Mr. Joyce).

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to ratify Mr. Lynch's appointment of Suzanne Donahue to the Commission on Disabilities.

Under Contract Awards Mr. Lynch awarded the bid for Reevaluation of Personal Property to the low bidder in the amount of \$25,600. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve.

At 10:30 p.m. motion by Mr. Lawlor, seconded by Mr. Joyce to adjourn to Executive Session to discuss real property. Roll Call vote was as follows: PVL-Aye; RPJ-Aye; JAB-Aye; WRL-Aye; RDeF-Aye.

For the Board of Selectmen, by

Judith E. Carter

HIGHWAY
ENGINEERING
PARK

250-5270
250-5228
256-5073



T-C-
PUBLIC BUILDINGS 250-5249
RECREATION 250-5262
SEWER 250-5233

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94 MAR 15 AM 9:57

TOWN OF CHELMSFORD
Y. E. ST. HILAIRE
TOWN CLERK

DEPARTMENT OF PUBLIC WORKS

March 2, 1994

Planning Board
Town Offices
50 Billerica Road
Chelmsford, MA 01824

SUBJECT: P.B. 94.02- Chelmsford Gingerale Site

Dear Members:

This office has reviewed the Site Plans, consisting of six (6) sheets, dated Nov. 11, 1993 and revised to Mar. 1, 1994, the Project Data Report, and the Assessment of Traffic Impacts for the above referenced site. These plans have been revised to address the issues of grading, drainage, traffic flow, drafting, details and specifications. The plans conform to the engineering requirements of the Zoning By-Law. An easement shall be provided on the property for the proposed sidewalk along Littleton Road and this sidewalk shall connect to the covered walk at the building.

If you have any questions, please contact me at 250-5228.

Sincerely,


George LeMasurier
Assistant Town Engineer

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Ann Clark

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TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, March 14, 1994. Members present were: Richard E. DeFreitas, Peter V. Lawlor, Robert P. Joyce, Jeffrey A. Brem and William R. Logan. Town Manager Bernard Lynch was also present.

During the Open Session Sandy Donovan, Director of the Chelmsford Community Exchange, presented a Certificate of Appreciation to the Board, noting that on March 22, 1993 food was given to the first family in Town and 183 families have been helped during the past year. She said that she is looking for more space for the food pantry, that Tyngsboro would like to join with Chelmsford. Mr. DeFreitas thanked Ms. Donovan on behalf of the BOS and the Town Manager.

Attorney Doug Hausler was present on behalf of Charles Ferreira to discuss a situation on a portion of Grove Street. He quoted a letter of Dec. 6 stating that the Town Manager and the DPW have decided to discontinue the Town's history of plowing and sanding a private way. He referenced various other correspondence sent to the BOS and asked if they have had a chance to review the materials.

Mr. Lynch said there has been ongoing litigation between the parties involved and the Town did stop plowing a portion of the street last year, stating that it is only a driveway, not a street and were concerned about the Town's liability.

Mr. Lynch noted that the Town has been using Attorney Phil Nyman in this case and Mr. Ferreira noted that the Town is not yet a party to the suit.

Mr. DeFreitas asked the Town Manager to set up a meeting with the BOS and Attorney Nyman in a timely fashion and Mr. Lynch said he would do so within 3 weeks.

Attorney Joseph B. Shanahan, Jr. then addressed the Board questioning their policy or lack thereof on restitution in the case of the "robbery" at the Citgo Quik Mart on November 17, 1993. On November 22, 1993 the BOS decided to have the Town Manager check with the Police Chief for the cost of the police investigation and possible restitution. Mr. Shanahan said he understands the intention of the vote but feels it is the most blatant form of discrimination and was not done working with Town Counsel. On December 13, 1993 Mr. Joyce said he would present a policy on restitution at the next meeting.

Attorney Shanahan continued that the BOS has not discussed this matter since November 22, and he then referenced several serious crimes in Town since that date, noting over 5,000 police calls in the past 90 days, and that the BOS has not discussed restitution in any of them. The Board has singled out this one 12 hour investigation and why did they act in this unprecedented manner. He asked the BOS to rescind that November 22nd singular vote, adding that his clients were totally wrong but admitted it and hurt only themselves.

Mr. DeFreitas said that no policy has been submitted and the case is pending in criminal court and the DA notified. Attorney Shanahan said that when the boys confessed a plea was agreed upon, but the BOS interfered with the criminal proceedings and the case was moved from District Court and sent to the Grand Jury. Both youths were indicted and now are awaiting jury trial. Mr. DeFreitas said we only conveyed our vote to the DA's office and we have discussed the matter with Town Counsel and the matter is in the hands of the District Attorney and the sitting judge. Mr. Logan asked that we check with Town Counsel to see if our vote was legal and binding.

Barry Balan, 17 Jessie Road, was present as a Town Meeting rep noting that it has been some months since the BOS put a ban on parking in Central Square and does the BOS have plans to help parking for businesses. Mr. Lynch said we are working on various ideas for municipal parking.

Chairman DeFreitas called the meeting to order and asked for a Moment of Silence for Firefighter Ron Sawicki and Mr. Logan asked for Jack DeFreitas, the Chairman's father, both of whom passed away last week.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the minutes of Feb. 28, Reg. and Exec.

Ralph D'Amelio, 3 Paillet Drive, was present requesting a Taxi license for his Destinations Limousine service. He needs a permit from the Town to pick people up at Logan Airport. He presently has one limo garaged in Dracut. Motion by Mr. Brem, seconded by Mr. Joyce, unan. to grant his license for up to two vehicles.

Bob Greenwood, Conservation Commission member, gave information to the Board about the residents on Ideal Avenue who had problems with the sewer connections as referenced at the last BOS meeting. He said the owners had to deal with the Conservation Commission and the DEP and had 4 meetings to propose another route, but it was not feasible. Mr. Logan had said we put a pipe 10 feet from his home but it was actually a temporary easement 10 feet from his garage, to be given back when the sewer was put in. Mr. Greenwood asked Mr. Logan to apologize for saying the residents were treated like "scum" by the Conservation Commission and the Sewer Commission. Mr. Logan said his choice of wording was overstated and apologized for using the word, although his thoughts on the topic have not changed. Mr. Greenwood accepted his apology on behalf of the Conservation Commission.

Attorney David Sweet, Local/Frequency Sources, said that last fall they received their permit from the Conservation Commission to clean up contaminated soil on Maple Avenue but the

DEP waiver was more difficult. The system went in and has been pumping since December. One part of the system is off site and not yet permitted. They are getting some contaminated water at their Maple Road site but the effluent has none. He said that the BOS support and past correspondence has helped them get their DEP permit. They also have made their peace with Dr. Bartelson, an abutter. He introduced the project manager. Mr. Joyce asked how long does the system have to run and Mr. Sweet said they say 10 years but most pumps are never shut off. Mr. Brem said he stopped at the site in December and the work was well done, neat and orderly. He said everyone is happy that this is finally in the cleanup stage and thanked Mr. Sweet on behalf of the Board and the Town.

The Board then discussed the articles for the warrant for the April 5 Town Election and April 25 Annual Town Meeting. Mr. DeFreitas said the Board can vote to recommend, not recommend, make no recommendation or defer to Town Meeting. Mr. Lynch said we do need the vote of the Board that this is the ballot and the warrant for Town Meeting. Mr. Brem recommend voting this as the warrant but to postpone making any recommendations.

Attorney Shanahan had presented two articles for re-zoning and Mr. Lynch said we need to call a Special within the Annual and submit any articles by March 28th. Mr. Lynch went over various articles, noting that the ballot question is an appeal process for TM Reps who have missed more than one-half the yearly meetings. Mr. Lynch noted that on Article 18, Early Retirement Incentives for Teachers, Supt. Moser was due to come to present the article to the BOS for their approval before Town Meeting vote but could not come tonight. Mr. DeFreitas said that recommendations should be made by the new Board after the elections. Mr. Lynch said that an article to establish a rules committee submitted by the Town Moderator was withdrawn but the same article was also submitted by petition.

Article 17, Tourism/Promotions fund from the hotel/motel tax has been fine-tuned and Town Meeting will set the percentage rate each year. The BOS questioned Article 30, Capital Planning, and Mr. Lynch explained the computer articles. Articles 8 - 15 are land sales of properties already taken by the Town. Mr. Brem requested that the Conservation Commission give the BOS a report on Articles 6 and 7 prior to Town Meeting.

John Harrington, President of the CH Businessmen's Association, questioned Article 17, saying that the Association is concerned with setting the rate on a yearly basis, that this is not what Plymouth has done.

Mr. Lynch explained that the hotel/motel tax now goes into miscellaneous receipts, but we can take 25% the first year and gradually work up to 45% of the tax to put into a Tourism Promotions Fund - to be used for beautification, signage on highways, etc. and should have a ripple effect in producing more revenue and jobs. The tax we collect on rooms is now 4% and we can put a portion into this fund.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to accept the warrant to be posted as presented.

Mr. DeFreitas announced that the cut-off date for articles for the STM is March 28, and the warrant will be reviewed at the April 11th meeting.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the 1-day All Alcoholic license requested by St John's Church for March 19th for a St. Patrick's Dinner Dance.

Under Reports, Mr. DeFreitas said he has rescheduled his Focus on Route 3 meeting, since it was a stormy night, to April 6th. He also thanked all who sent flowers and cards in his father's memory.

Mr. Joyce asked about the handicapped access at the Old Town Hall, and Mr. Lynch told him we're working on it and also working on rules and regulations for the use of the building with the Cultural Council. Mr. Joyce asked for a report from the Town Manager through the Police Chief re the cost investigating the incident on Gail Street.

Mr. Brem reported as liaison to the Cultural Council that they are having a Chocolate Social as a fundraiser, also an Arts Fair and in December they want an Angels for the Arts Festival. He also announced that they are presenting the New England Brass Quintet on April 8th.

Mr. Lawlor reported that last Tuesday he had a call from Sue Carter on the Conservation Commission re the Lowell landfill and the proposed use of the property next to it for a waste burning facility. The Lowell ZBA should have notified the Town but they did not so Mr. Lawlor checked with other BOS members and presented a letter to the Lowell ZBA Chairman. He asked Mr. Lynch to let Lowell know that with any matter that so greatly affects the residents and businesses in Chelmsford that the Town be notified, that it is frightening to think of truckloads of hazardous waste going over our roads.

Mr. Joyce asked Mr. Brem about policy issue re the use of the Old Town Hall and other town buildings and Mr. Lynch said this is being worked on, that he will have a report by the

next meeting.

Sub-committee Reports: Mr. Lawlor announced he and Mr. Joyce are holding a **Charter Sub-committee** meeting on Tuesday, March 22nd at 7:00 p.m. They will be discussing the role of Town Meeting reps in the Town Meeting process, the appointing powers of the Town Manager and the lack of appointing powers of the BOS, and he told the citizens they have a responsibility to come to the meeting with their opinions. Mr. Brem said they could also submit a letter if they can't attend.

Mr. Lawlor reported that there is nothing new with the **LRTA**, and Mr. DeFreitas said he is now a sub-committee of one.

Mr. Brem reported that as sub-committee to the **Water** departments they have met as 9 members and have discussed a meeting with the BOS but have suggested that the BOS appoint a liaison to met with them on a quarterly basis.

Under Town Manager Reports Mr. Lynch reported that in the **Snow and Ice Account** we have spent \$541,899 so far, which is about \$200,000 over our budget. We have had 94" of snow so far at a cost of \$5765 per inch, or \$2700 per mile of roadway. We are running well below previous fiscal years and the House has taken action and the Senate is to take action by passing a \$15,000,000 supplemental budget, with Chelmsford's share at \$99,000. He had requested residents to call to report potholes on the Selectline at 250-5200 and we have had an excellent response.

Under New Business Mr. Logan moved that the Board ask officially from Town Counsel his opinion regarding the vote on November 22nd re restitution, could it be rescinded, seconded by Mr. Joyce, unan.

Mr. DeFreitas reported that the banning of the dog Nickles from the Town was appealed in District Court by the Pickfords on March 10th and the order of the Board was affirmed.

Mr. Logan moved that the Board adopt a resolution to send to Sen. Hicks and Rep. Cleven asking them to vote against the Megaplex Bill. He feels that it won't be cost effective over the long-term and the plans are not specific unless new information submerges. We should ask them to focus on issues important to this area. Mr. DeFreitas said he will vote in favor since a Megaplex will further tax the infrastructure that we have and Mr. Joyce said he agrees with Mr. Logan, if there are monies send it back to the cities and Towns. Mr. Brem said he will abstain because he doesn't know all the facts. Motion was seconded by Mr. Joyce and vote was 4 in favor, 1 abstention (Mr. Brem).

Mr. DeFreitas reported that Rep. Cleven has told him that the

Mass. Highway dept. is now considering the possible use of the breakdown lane on Route 3 during commuting hours.

Mr. Joyce then said that since Mr. Logan is not running for re-election it has been a pleasure working with him and a learning experience.

Mr. DeFreitas said he was first elected with Mr. Logan and that this BOS and the next Board will miss his input. He also noted the companies that the Economic Development Partnership started by Mr. Logan has brought into Town and hopes that Mr. Logan will continue to work with the EDP.

Mr. Brem said that it has been a pleasure to serve with Mr. Logan and that he showed him and Mr. Lawlor the ropes.

Mr. Lawlor said that the Board will miss the electricity that Mr. Logan has brought to the things he has done, that the BOS has matured a lot in the past two years and we'll miss him.

Mr. Lynch thanked Mr. Logan for his support and advice and said he hopes to draw on his skills in the future.

Mr. Logan thanked the current Board, and also Messers. Ready, Johnson and Blomgren and the Town Manager. He said we have turned the corner on the budget but still have a lot more challenges. He thanked the townspeople for letting him serve for 3 years and will stay with the EDP. He advised the Board to keep the rudder true and stay on the right course.

Under Policies, two policies had been presented by Mr. Brem at the last meeting. The first was Smoking in Public Buildings, which Mr. Lynch read, and states that smoking is prohibited in all public buildings but school buildings and they already have adopted a policy in the School Dept. Mr. Brem requested that we have a container for butts outside the building. Motion by Mr. Brem, seconded by Mr. Lawlor, unan., to accept this policy.

The other policy introduced at the last meeting was the Employee Assistance Program (EAP). Mr. Lynch said that the Town has engaged PPC of Woburn to provide counseling services to employees, which will assist us in controlling health costs, and we want to get the word out to the employees. He added that employees will be trained in sexual harassment reporting procedures.

Mr. DeFreitas said this is written more as a procedure than a policy, and Mr. Lawlor said that this could be considered part of an employment contract. Mr. Lynch said that the purpose of this policy is to let the employees and their families know that we are providing this service. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to table this policy.

Mr. Joyce had requested a review of the policy on Town-owned

vehicles re the Public Safety Director, but he doesn't have a car and Mr. Lynch said there is a report on Town Vehicles in the BOS boxes.

Under Contract Awards, Mr. Lynch has received a memo from the Center School Building Committee stating that they have interviewed 6 architects and have hired the firm of Denisco, Kersch and Associates for \$15,000 for four weeks to renovate the Center School. Funds are available in the school dept. budget and the Town has only until June 1st to apply for state aid for this project.

Motion by Mr. Brem, seconded by Mr. Logan, unan. to approve the awarding of this contract not to exceed \$15,000 and backup documents to be provided to the Town Manager for services rendered. Mr. Lawlor said he has questions of Bob Cruickshank, but Mr. Lynch said the report will be ready by Town Meeting if the BOS votes tonight.

Mr. Lawlor reminded everyone of the April 5th Town Election and said that all should get out to vote. He reminded townspeople that Wednesday at 10 pm is the deadline for registering to vote.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to go into Executive Session to discuss real property. Roll Call vote was as follows: PVL-Aye; RPJ-Aye; JAB-Aye; WRL-Aye; RDeF-Aye.

For the Board of Selectmen, by

Jack E. Carter

Jan Clark

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94 APR 29 PM 2:35

Reorganization meeting of the Board of Selectmen held Thursday, April 7, 1994 at 7:00 p.m. Members present were: Peter V. Lawlor, Jeffrey A. Brem, Robert P. Joyce, Roger A. Blomgren and William F. Dalton. Town Manager Bernard Lynch was also present.

Mr. Lawlor called the meeting to order and said that the purpose of this meeting is to elect leadership for the upcoming year. He is acting as Chairman Pro-tem since he was Vice Chairman of the previous Board. Mr. Brem welcomed the two new members elected on April 5th, Mr. Blomgren and Mr. Dalton.

Mr. Lawlor asked for nominations for Chairman, and Mr. Dalton nominated Mr. Blomgren, seconded by Mr. Joyce. Mr. Blomgren accepted the nomination and the vote was unanimous.

Mr. Lawlor then asked for nominations for Vice Chairman and Mr. Dalton nominated Mr. Joyce, seconded by Mr. Blomgren. Mr. Joyce accepted and the vote was unanimous.

Mr. Blomgren nominated Mr. Dalton as Clerk, seconded by Mr. Joyce. Mr. Dalton accepted the nomination and the vote was unanimous.

Mr. Blomgren took the chair and thanked all the Townspeople for the vote of confidence and said that we are going to work hard to build the best Board of Selectmen the Town has ever seen.

At 7:05 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by
Jude E. Clark

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Regular meeting of the Board of Selectmen held Monday, April 11, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

During the Open Session Mark Keroac, CHS Fine Arts and Orchestra Director was present to tell the Board about the trip the orchestra and band is going on to Austria and Germany. They have made the trip every two years since 1982 and this year there are 68 students and 25 adults going, with the students having raised a good portion of the money themselves. Mr. Blomgren gave them best wishes from the Board and indicated the BOS continued support for Fine Arts in Chelmsford.

At 7:05 p.m. Mr. Blomgren said the BOS would recess and reconvene at 7:30 p.m.

Chairman Blomgren called the meeting to order at 7:30 p.m., noting that all members were present and asked for a Moment of Silence for Liz Ferreira, Principal Clerk in the Town Clerk's office who passed away unexpectedly last week. A tribute to Liz written by Betty Delaney and read at her funeral is attached hereto and made a part of these minutes.

Mr. Blomgren then introduced the new Board members and said they are hoping for a most productive year.

Former Selectman Dick DeFreitas asked to speak, telling everyone how much he appreciated their thoughts and cards and thanked all his campaign workers. He will stay focused on Route 3, and other members of the group have asked him to stay on. He offered his congratulations to the new Board members. Chairman Blomgren gave Mr. DeFreitas a gavel and plaque in recognition of his 3 years on the Board and his past year as Chairman and thanked him for his service.

John Tucker and Alex Cossette from the Chelmsford Lodge of Elks were present and Mr. Joyce read and presented to them the Proclamation of Youth Government Week. Mr. Tucker said that the luncheon would be held at the Elks this year and Mr. Lynch said that all Town Departments look forwarded to Youth Government Day, Friday, April 29th.

Motion by Mr. Joyce, second by Mr. Dalton, unan. to proclaim April 29 as Arbor Day.

Mr. Brem announced that the Middlesex Soil Conservation group is selling trees and plants wholesale at the 4-H Grounds on April 22nd and 23rd.

Town Counsel James Harrington was present filling in for Town Moderator Dennis McHugh to meet with the BOS and the School Committee to appoint a member to the Nashoba Valley Technical High School District Committee for a 3-year term. School Committee members present were Wendy Marcks, Mary Frantz and Tony Volpe. Mr. Harrington said the only letter of interest received was from Stratos Dukakis, the incumbent. Motion by Wendy Marcks, seconded Mr. Brem, to nominate Mr. Dukakis for a 3-year term. Vote was 5 BOS members and 3 School Committee members present all in favor. Ms. Marcks said that Barbara Ward and Bill Logan had worked on a process for this appointment, getting notice in the press, etc. and Mr. Brem said he would volunteer to coordinate the appointment for the BOS.

Supt. of Schools Dick Moser and Bus. Manager Bob Cruickshank were present to ask the BOS to vote to approve Early Retirement for Teachers tomorrow night but wanting to give them some info tonight. Dr. Moser said that the program came from the Education Reform Act of 1993, that last year was the first year it was offered and that 15% of the communities participated. This is the last year of the program and it has to be by vote of the School Committee, followed by vote of the BOS and then voted at Town Meeting. To participate teachers/staff can apply to retire, with a certain number added to their years of service and/or age. 30 have applied from our system and although the cost is shared by the State and the Town we are not sure we can fund that many and the number of participants allowed is allotted to the Town. There will probably not be that many and the number is chosen by the time served in the State Retirement System.

Mr. Brem asked what is the benefit for the Town and Dr. Moser said some of the best teachers are applying and all non-tenured and some tenured teachers may be in RIF, and if some older ones retire we might be able to keep some of the newer ones on Board. Mr. Cruickshank gave a handout and the BOS asked some questions, but this will be discussed further tomorrow night, as well as the Center School matter.

Earl Lawson, Technical Supervisor for Nashoba cable TV, addressed the BOS, stating that in 1984 the Town signed a pole attachment agreement allowing wires to be attached to Chelmsford poles on Mission and Dunstable Roads to service Tyngsboro. The Nashoba company is now being sold and a new agreement is needed. He said that the company is being sold to A.R. Cable Partners, an affiliation of Cablevision. Mr. Blomgren reaffirmed that they will provide no new service to Chelmsford, only to pass through. Mr. Brem asked that the agreement be retyped to stipulate only Mission Road and Dunstable Road and to put

in signature spaces for all 5 Board members.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. that we approve the order authorizing only the use of poles already in service on Groton Road and Mission Road and document to include signatures of all 5 BOS members.

Attorney Joseph Shanahan was present under Section 4700 of the zoning by-law regarding **Granite Hill Farms**, asking the Board to approve the **Conservation Restriction** for 25% of the 32 1/2 acres to be Open Space. There are 23 homes and there will be 12 acres of Open Space in perpetuity. The document has been approved by the EOCD, Town Counsel and Conservation Commission.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve Mr. Shanahan's request for the Granite Hill Farms Conservation Restriction.

Mr. Shanahan then presented another **Conservation Restriction for Fairway Estates Trust**. This is a 12 acre parcel in South Chelmsford, with 6 residential lots and 9 acres of Open Space and has been approved by the State and the Conservation Commission.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the requested Conservation Restriction.

DPW Director Jim Pearson then went over the list of **Streets requesting acceptance as public ways at the Spring Annual Town Meeting**. Certified letters of notice of this hearing were sent to all abutters of each street, Return Receipt Requested.

1. **Doris Drive** - a 2-lot subdivision with mixed zoning, 300', 34' pavement, a \$10,000 bond being held, and the work is 99.9% done. Mr. Pearson recommends acceptance with completion of minor details. No one present spoke for or against this acceptance. Motion by Mr. Joyce, seconded by Mr. Dalton, to accept Doris Drive pending acceptance at Town Meeting. Vote was 4 in favor, 1 abstention (JAB).

2. **Kelshill Road** - a 20-lot subdivision between Swain Road and Scotty Hollow. The road is 2,000', with a sidewalk on one side, and 98% completed. There is some re-seeding and grading, minor drainage work, and he recommends acceptance.

Katherine Fisher, 2 Kelshill Road, said that the neighbors are requesting repair of driveways torn up when sidewalks were put in, they want streetlights put up, and their children now have to walk to the bus stop on Swain Road or Groton Road. If accepted, will the school busses come down the street, she asked, and was told that this is a matter for the School Dept. Mr. Pearson said that hydroseed has to be repaired and that work is over 80% done. Mr. Pearson said there is

no bond on this project, that the developer assures that the work will be done and there is a tri-party agreement between the Town, the developer and the bank.

Mr. Pearson added that there is a Planning Board sub-committee working on streets being completed for acceptance. No one spoke in favor of or opposed to this petition.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to accept Kelshill Road as a public way and recommend acceptance by Town Meeting.

3. **Rhum Circle**, off Kelshill Road, is 4 lots, and 350' long.

It is a cul-de-sac and the road is complete, with no conditions set by Mr. Pearson.

Mr. Yanaro, 2 Rhum Circle, said that there are unfinished driveways and seeding, that the road doesn't seem complete and can Mr. Pearson give some commitment. Mr. Pearson answered that yes, he will check driveways and the final landscaping. No one present was in favor of or opposed to this petition.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to accept subject to the conditions set by Mr. Pearson and subject to acceptance by Town Meeting.

Mr. Blomgren asked him and Ms. Fisher to report back in 6 - 8 weeks.

4. **McHugh Farm Lane** - 450 foot long off Pine Hill Road, still a \$10,000 bond being held and the project is complete except for stolen street signs. Missing street signs were discussed, with Mr. Pearson saying that if a new street name is approved by the Fire Dept. the Planning Board usually approves and there is no policy stating that signs have to be in granite. Mr. Brem said that other Towns do that, and he will help Mr. Pearson write a policy. No one present spoke for or against this petition. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to accept the street subject to Mr. Pearson's conditions and acceptance by Town Meeting.

5. **Minuteman Drive** - an 8 lot subdivision off Concord Road. The Town took over this development due to 3 bankrupt developers and one bank. Town Counsel got the funds through the bank. Mr. Pearson said there is app. \$2500 work left to complete - re-loaming and hyroseeding and some work on the shoulder and missing street sign.

Ron Marcella, 7 Minuteman, said that 3 out of 5 residents are represented and all want acceptance of the street. He said we need another street sign, and praised the DPW in taking over and finishing the road. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to

accept subject to Town Meeting approval and Mr. Pearson's conditions.

6. **Shedd Lane** - 1100 feet of a 72 lot subdivision. This is the second section to be accepted. Mr. Lynch said the first section accepted has streetlights and this section will now be eligible.
No one present spoke in favor of or opposition to this petition.
Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to accept this street subject to acceptance by Town Meeting.
7. **Waterford Place** - 2nd half of a 17-lot subdivision and the Fire Dept. has approved an access easement into the development. There is a \$15,000 bond being held. Mr. Jones, 20 Waterford Place, said he is concerned with the detention area. The Conservation Commission was out there Saturday and noted that the detention area doesn't function as a holding area, that it appears to be too large. There is curbing damage at the end of the cul-de-sac.
Mr. Pearson said he agrees that the area is oversized due to Planning Board and Conservation requirements and we need to protect the water quality in the lake. Conservation will be addressing the matter Tuesday night, and it needs a v-notched weir and possibly an amendment to the outlet structure.
Mr. Pearson said he will either recommend or not recommend at Town Meeting.
Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to defer recommendation to Town Meeting.

Mr. Lynch then went over the Warrant Articles for the Annual Spring Town Meeting on April 25th and the Special Town Meeting on April 28th with the BOS.

Annual Town Meeting

- Art. 1: Hear reports - C. Cleven and C. Hicks have been invited to address the meeting. Motion RPJ, second WFD, unan. to recommend.
- Art. 2: Transfer \$300,000 from Free Cash to line item 29 Employee Benefits. Motion by RPJ, second WFD, unan. to defer to TM and ask the Town Accountant for an analysis.
- Art. 3: Money for refurbishing of Center School - motion RPJ, second WFD, unan. to defer to TM
- Art 4: petition for no additional structures on Town Common. Motion by RPJ, second WFD, unan. to defer until we can get more information at TM.
- Art. 5: Sewer Comm.: asking for charter change to extend life of Comm. - motion RPJ, second WFD, unan. to defer to TM.

Art. 6: Conserv. Comm. - expand Wetlands buffer zone and
 Art. 7: Conserv. Comm. - motion RPJ, second WFD, unan. to
 defer both to TM.

Art. 8 - 15: Sale of Town-owned land - motion by RPJ,
 second WFD, to recommend at TM. Vote was 4 - 0, (JAB not
 in room) Art. 12: motion by RPJ, seconded by WFD, to
 withdraw. Vote was 4 - 0, (JAB not in room).

Art. 16: Accountability of Town Reps - by petition.
 Motion by RPJ, seconded by WFD, to defer action to TM to
 hear the petitioner. Vote was 4 - 0, (Mr. Brem not in
 room).

Art. 17: presented by the TM and the EDP to set up a
 visitor's promotion fund from the hotel./motel tax.
 Motion by RPJ, seconded by WFD, unan. to defer to TM.

Art. 18: Early Retirement for Teachers - motion by RPJ,
 seconded by WFD, unan. to defer to TM.

Art. 19: Street Acceptances - motion by RPJ, seconded by
 RFD, unan. to recommend all but Waterford Place. Vote on
 Doris Drive - JAB abstained.

Art. 20: Chapter 90 funds of \$471,000 - motion by RPJ,
 seconded by WFD, unan. to recommend

Art 21: Conserv. Comm. \$12,500 transfer - motion by RPJ,
 seconded by WFD, unan. to recommend.

Art. 22: Late bills - Mr. Lynch said he has none. Motion
 RPJ, seconded WFD, unan. to withdraw at TM. Art. 23:
 Rec. Comm. Revolving Funds - motion by RPJ, second by WFD,
 unan. to probably withdraw at TM.

Art. 24: Conserv. Comm. - to withdraw funds to offset the
 Wetlands Protection Act motion by RPJ, second WFD, unan.
 to recommend.

Art. 25: Sewer Comm. standard article - \$1 mil offset to
 budget. Motion by RPJ, seconded WFD, unan. to recommend.

Art. 26: Budget - motion by RPJ, seconded by WFD, unan.
 to defer to TM.

Art. 27: Sand lease - motion by RPJ, seconded by WFD,
 unan. to defer to TM.

Art. 28: Annual audit - motion RPJ, seconded by WFD, unan.
 to recommend.

Art. 29: Reserve Fund - \$150,000 - motion by RPJ, second
 WFD, unan. to recommend.

Art. 30: Capital Planning Budget - motion RPJ, second
 WFD, unan. to defer to TM.

Art. 31 - Free Cash - motion by RPJ, seconded by WFD,
 unan. to withdraw at TM.

Special Town Meeting Warrant

Art. 1 - Town Accountant to provide quarterly reports to
 Town Meeting Reps. Motion by RPJ, seconded by WFD, unan.
 to defer to STM.

Art. 2: Senior Citizen Tax Voucher payment - \$12,500, \$500
 per participant - motion by RPJ, seconded by WFD, unan.
 to recommend.

Art. 3: Girls' Locker Room - motion by RPK, seconded by

WFD, unan. to defer to STM.

Art. 4 - By-law change - motion by RPJ, seconded by WFD, unan. to defer to STM to hear Planning Board recommendation.

Art. 5: Re-zone parcel of land on easterly side of Mill Road - motion by RPJ, seconded by WFD, unan. to defer to TM to hear petitioner.

Art. 6: Parcel of land and Mill House in Central Square - authorize BOS to spend \$108,000 to acquire to put in parking spaces. Motion by RPJ, seconded by WFD, to recommend favorably. Vote was 4 in favor, 1 abstention (RAB wanted more information).

Art. 7: Transfer from Debt and Interest to increase in Middlesex County Retirement assessment. Motion by RPJ, seconded by WFD, unan. to defer to STM.

Mr. Lynch reported to the Board on the deferred compensation plan. The Town has offered the State Pebsco plan in the past but employees have asked to look at other plans. He would like to offer an ICMA Retirement Trust, Sec. 451 Plan to be completely paid by the employee, and needs this resolution to proceed forward.

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve the resolution. The vote was 4 in favor, 1 opposed (PVL).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to issue a 1-day Auctioneer's license to James Cooney Real Estate Agency.

Under Appointments, Mr. Lynch said he had appointed John Coppinger, 20 Ansie Road, to the Sign Advisory Committee. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment.

On the Center School Building Committee Mr. Lynch said that Judy Mallette, Mary Frantz, Chuck Piper and Jeffrey Brem have been meeting with the other members and he is expanding the original committee to include these persons. Motion by Mr. Joyce, seconded by Mr. Dalton, to approve these appointments. Vote was 4 in favor, 1 abstention (Mr. Brem).

Under Reports, Mr. Lynch said that our expenditure for Snow and Ice Removal is \$557,000 for a total cost, which is below other peak years. We had appropriated \$350,000 and the State is to send some money back to the communities. We should get app. \$99,000 so our deficit would only be \$107,000.

Receipts to date - totals for the third quarter are 73.7% of what we had projected. We are pleased with that figure, it shows a fairly positive picture. Mr. Blomgren asked for comparable figures for 1993. On the expenditure side we are at 66 1/2%.

On the Grove Street roadway matter Mr. Lynch said we have an opinion from Attorney Nyman that will be discussed in Executive Session.

Mr. Lynch reported on the Public Safety Director that Mr. Fasana is scheduled to start on April 25th, and he will discuss this further in Executive Session.

Board Members said they have no reports.

Under Subcommittee Reports Mr. Lawlor said that the Charter Review Subcommittee will meet Tuesday, April 19 at 7:30 p.m. This will probably be the last of the public forum type meetings and he would like Cable 43 present. The issues are 1. to know what reps vote on; 2. powers of the BOS - might be expanded; 3. powers of the Town Manager. Mr. Blomgren asked for a report within 30 days.

Mr. Brem said that he and Mr. Joyce had been on a Water District Subcommittee but the Water Districts only want a liaison from the BOS at this point and he has been serving in that capacity.

Under New Business Mr. Blomgren noted missing signs: Kimberly Court, Westford/Chelmsford sign on Route 110 and noted a depression by the Glenbrook Condos on Route 110. Mr. Lynch said we will take care of by the Town and State look into these matters. It was also noted that there is a sign on Route 110 at Ericksen's Corner -Do Not Pass.

Mr. Blomgren asked that we want to try to change the format of the agenda - we will start the meeting right after Open Session with reports, etc. and schedule Public Hearings starting at 8:00 p.m.

Mr. Blomgren asked to look into the cost of having an open phone line once a month for Community Input and any technical problems that might occur - identification of callers, etc.

Mr. Blomgren asked if we could schedule a Clean-up day on a Saturday later in May and asked Mr. Lynch if he could schedule it to coincide with the end of the DPW spring cleanup. Mr. Brem suggested that we check also with the High School Student Council.

Mr. Blomgren said that there seems to be a burden on the business community with our fees - that they seem high. Mr. Lynch said he will check into a fee schedule study.

Mr. Blomgren said he wants to get a budget figure for

polling hours for opening the polls from 7 am - 8 pm on Town Elections. Mr. Lynch said he will also look at Saturdays as possible days for Town Elections.

Under Policies, Mr. Brem reviewed our policy on policies and said he wants to review the Employee Assistance Program policy. Members want copies of all the policies to date.

At 10:45 p.m. motion by Mr. Joyce, seconded by Mr. Brem., to adjourn to Executive Session to discuss strategy with non-union personnel and pending litigation. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye. Chairman Blomgren said they will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

J. D. C. Carter

Good morning,

When Liz asked me to perform her wedding ceremony to Larry, in June of 1991, I was very honored and pleased. Now as I stand before you remembering her, I know she would be embarrassed because she never wanted to draw any attention to herself.

I first knew of Liz from when she worked on the various part time boards to when she worked in the Engineer's Office. Then due to various circumstances in January of 1991, The Town Clerk's Office needed a full time Senior Clerk, Liz wanted to work full time and so she joined our ranks. This is when the real friendships formed. Each of us have a happy memory of Liz. As Mary says she touched us all, and everyone who came into our office, either as Town Hall Employees or customers.

Liz was a hard working faithful employee. She believed in honesty and couldn't stand hypocrites. She had a wonderful sense of humor. Yet she was a shy person who sparkled.

She would never let Sandy cut her bangs beyond a certain point or rarely would she wear the daily required color, for fear she'd be noticed. However, it didn't matter much, unknown to her, she always stood out. Once she got to know you, her humor showed through and she was an Imp. She'd be the first to tease Mary with a straight face about a presidential candidate named Bo Gritz or vacation time. She'd pick on Janet for only having to work a four day week with Wednesday's off. Even as recently as this past Wednesday after the Tuesday Town election. Whenever Murph, Rayann, George, Piegie or either of the Patrick's came to the office there was always a comment of some sort said with a gleam in her eye and usually followed with a laugh. Liz was a great friend. She and I had many discussions. From life's important issues, to the latest Seinfeld episode. I'd tease her about her methods of filing and being blonde and She'd tease me about my attempts of being too overly organized, wearing high heel shoes and my fetish for raisins. I keep waiting for her to fly back through the office door after one of her breaks from her desk with Joan or Judy. Or pick up line 3 which we dubbed "Liz's line", in anticipation of the phone call being from Larry, the kids, Jeni also known as Yaya, or Nicky, whom she said always called her from a phone booth.

She was Liz, Lizzie, Savi. Wife, mother, daughter, sister. Our sparkle, our imp, our sense humor, our friend, and co-worker, who left her mark on the Town Clerk's Office and to all who knew and loved her. It was a privilege to have known her. She and her smile will truly be missed.

In Memory of Liz Ferreira, April 8, 1994,
said April 12, 1994 by Betty Delaney

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94 MAY -3 PH 3:55

Emergency Executive Session of the Board of Selectmen held Tuesday, April 19, 1994 at 6:30 p.m. to discuss collective bargaining with a non-union employee and potential litigation. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch, Assistant Town Counsel Victor Manougian and Adm. Asst. Judith Carter were also present.

Chairman Blomgren asked Atty. Manougian to brief the Board on where we stand legally on the matter of hiring Jon Fasana as Public Safety Director. He said that under Section 4.2 of the Charter the Town Manager appointed Jon Fasana as Public Safety Director on Feb. 25 and the BOS had 15 days to approve the appointment, which they did. Since then documents have been sent back and forth and Mr. Fasana has returned a suggested contract. There could have been a counteroffer to our letter of April 15th, which was withdrawing any contract and offering employment at will. Mr. Manougian continued that Mr. Fasana has cause to sue for damages if we don't hire him and has either a contract or appointment at will. As to what he's entitled to - we can terminate the contract but there is a question as to what we have with him - he has out of pocket expenses.

Mr. Lynch said there has been an understanding that this was a 3-year arrangement - both in the proposal and on the part of Mr. Fasana. Mr. Joyce said when we voted on Feb. 28th was that part of our vote, and Mr. Lynch said No, it was an understanding. Mr. Joyce said so the BOS didn't really vote a 3-year contract, it was an understanding on the part of 4 out of 5 Board members and he wasn't one of the 4. Mr. Lynch added that at the last BOS meeting the Board showed a lack of support for a 3-year contract and he is now asking that the BOS go on record to endorse the 3-year commitment. Mr. Lynch noted that when the commitment was made 4 out of 5 Board members knew it was for 3 years and he wants the Board to go on record - do they support it or not. Mr. Lynch said he recognizes the political issues involved, but it is imperative that Jon Fasana have the support of the BOS to carry out the consolidation plan.

Mr. Blomgren summarized what happened at the last meeting and since, noting that we should know where Mr. Fasana stands, that he has now engaged local counsel and what could conceptual damages be. What are the risks if we terminate him and what are the risks if we don't.

Mr. Lawlor said that something has been tendered to Mr. Fasana and that we need a multi-step analysis - 1. does there exist a will on the part of this BOS to support the 3 year agreement, and if not, what steps will we support to get out of it. Mr. Joyce asked Town Counsel if this is a contract or a

commitment, he sees in front of him an employment contract, and we should be voting a contract, not a commitment.

Motion by Mr. Brem, seconded by Mr. Lawlor for discussion, that regarding the Public Safety Director's position it is the intent of the Board of Selectmen to commit to a 3-year period.

Mr. Manougian said we can do a 3-year employment at will, it doesn't have to be a 3-year contract. Mr. Lynch said we will have to hire him with a 3-year commitment, and Mr. Blomgren said we don't yet have an acknowledged offer. Mr. Manougian said there is a difference between signing a 3-year contract and employment at will - it is downsized if it is not a contract.

Mr. Blomgren asked if the Town Meeting can take away the \$68,000 salary and Mr. Manougian said No, they can only vote a bottom line budget. Mr. Lawlor stated BOS has gone on record offering this gentleman the job, that the Board and the Town has made Bernie it's agent through the Charter, he can't think of any non-political facts that have changed since the vote was taken in February and the only facts he see are political.

Mr. Dalton stated that this BOS has not supported the position, only the previous Board did. Mr. Lawlor said that Boards do not change, only names and faces do. Mr. Blomgren said that other economic facts have entered the picture - school issues, early retirement, Center School, dropping programs and letting teachers go - facts which go beyond the political and are financially charged.

Mr. Lawlor said if we were to say through some fiat that we do tonight that the entire exercise of a public safety department is abolished and we were going to recreate and restaff our police and fire departments as they were prior to it then in fact we'd have money spent well beyond what's budgeted. Mr. Joyce said that's not true, that this is "VooDoo" economics - he knows we can go back to the structure we have now and operate these departments. Mr. Lawlor asked how does he know that and Mr. Joyce said "because I know it". Mr. Joyce said that no Board has taken action on a contract and as far as he is concerned no BOS has approved the contract - this is the first time he's seen it and he was on the previous Board. Mr. Lynch told the Board that an option is that it is within his authority to make appointments and he could be appointed from now until April 1, 1997.

The Roll Call vote on Mr. Brem's motion was as follows: RPJ-Nay; WFD-Nay; JAB-Aye; PVL-Aye; and RAB-Nay. Vote was 2 in favor, 3 opposed. Motion failed.

Mr. Blomgren asked Mr. Manougian what risks have we created

and Mr. Manougian said we have to pay his damages and he has the right to sue us.

Mr. Lynch said he wants to resolve the issue of liability, and Mr. Manougian said he heard from Town Counsel Harrington that Attorney Joe Shanahan is representing Mr. Fasana and Mr. Lynch said that Mr. Shanahan had come in to talk with him on Friday and said that in order to settle things they are looking at a 9 months salary figure of app. \$51,000. He has given notice in California, has hired movers and put 3 months rent on a condo in No. Chelmsford, and he won't know for sure about his job there until Friday. Mr. Manougian said that even if can get his old job back he could be looking for serious damages.

Mr. Joyce said we have a problem with this - he's just getting new stuff - new information that Mr. Lynch has talked to Mr. Fasana and Attorney Shanahan. Mr. Blomgren said we heard that sometime Saturday and that's why we're meeting tonight. Mr. Lynch is bringing us forward since the last communication.

Mr. Manougian advised the BOS that they could either offer Mr. Fasana the position for less than 3 years, or authorize Mr. Lynch to negotiate damages.

Mr. Lynch said he talked with Mr. Fasana this pm and he anticipates that he will get his job back, although maybe not for long. Mr. Shanahan said they are asking for \$51,000 and Mr. Lynch said that we would offer less than that, that Mr. Fasana's out-of pocket expenses were app. \$10,000 and Mr. Lynch indicated to him that we might pay \$20,000 and Mr. Shanahan and Mr. Fasana today both indicated they would maybe take \$30,000. Mr. Lynch said he thinks he can settle for \$25,000, and he has already drafted a settlement agreement though Dee Moschos.

Mr. Dalton said why are we discussing this - because of the atmosphere of the community - they don't want the concept of Public Safety Director. Mr. Blomgren said we have to take this out of the political scene and said if this \$25,000 is already in the budget the accrued savings could go for other services, potentially. Mr. Manougian said he will look at the agreement and make sure it's all inclusive.

Mr. Brem said he doesn't think we should pay money for work not done, it is a big mistake because we've made the appointment and he is strongly against it.

Mr. Dalton said it is all political but he thinks the people will be willing to spend this level of money to save money on the other end.

Mr. Joyce said there are political issues and if we pay this salary over three years it's \$210,000. He added to Mr. Brem

that you've got to run next year but that he himself will have no problem two years from now telling the voters that he cancelled the contract to save the Town \$185,000.

Mr. Blomgren asked Mr. Lynch what risks do we have as a Town by not going forward with this, and Mr. Lynch said he is concerned with administrative staffing without Jon Fasana. He is pushing forward with the plan without the Public Safety Director's position being filled, and he would coordinate it himself and depend on the Chiefs to go forward. He would keep the Fire Deputy Chief in place and the Police Dept. has temporary administrative help on which they may keep. He still wants to go to increased ambulance service and centralized dispatch, and will update the BOS after Town Meeting. Mr. Blomgren said he wants to see a report on consolidation on the table, with two chiefs.

Mr. Lawlor said he is very uncomfortable with the direction he is seeing, the BOS is lurching from position to position, we're not looking good for a Town or a Board of Selectmen and we can't keep rescinding votes. He sees this as a trend, that anything is up for grabs and reconsideration. Mr. Dalton said we should listen to the pulse of the community. Mr. Blomgren said he doesn't feel guilty putting the issue back on the table, that it is a matter of economics and common sense.

Mr. Lynch said he doesn't try to over-use his authority as manager but that the Charter allows the Town Manager to create organizational changes. Mr. Lawlor noted that Attorney Manougian has not said that walking away from Jon Fasana is best.

Mr. Joyce moved to authorize the Town Manager to negotiate a settlement with Jon Fasana that eliminates all liabilities to the Town for not more than \$25,000, to be reviewed and approved by Town Counsel, seconded by Mr. Dalton. Mr. Lawlor asked to amend the motion to authorize Mr. Lynch to go up to \$30,000 with an OK from the Chairman, but this was not seconded. Roll Call vote on Mr. Joyce's motion was as follows: RPJ-Aye; WFD-Aye; JAB-Nay; PVL-Nay; RAB-Aye. Motion carried, 3 - 2. Mr. Brem and Mr. Lawlor did not want to vote to make it unanimous. Mr. Blomgren said there will be questions, e.g. did Mr. Dalton vote but all questions should be referred to Town Counsel.

At 7:30 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to go out of Executive Session. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; JAB-Aye.

For the Board of Selectmen, by

Judith E. Cantu

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94 MAY 17 PM 4:14

Meeting of the Board of Selectmen held Monday, April 25, 1994 at 6:40 p.m. at the Senior Center, Groton Road. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton and Peter V. Lawlor. Jeffrey A. Brem arrived at 7:05 p.m. Town Manager Bernard Lynch was also present.

At 6:40 p.m. motion by Mr. Joyce, seconded by Mr. Lawlor, to go into Executive Session to discuss potential litigation. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; PVL-Aye and RAB-Aye.

The Board returned to Open Session at 7:15 p.m.

Mr. Blomgren said we will re-schedule appointments and policies until another meeting.

Motion by Mr. Joyce, seconded by Mr. Lawlor, to approve the minutes of March 14, 1994. Vote was 3 in favor, Mr. Joyce, Mr. Brem and Mr. Lawlor. Mr. Blomgren and Mr. Dalton abstained since they were not yet on the Board.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the re-organization meeting on April 7, 1994.

Motion by Mr. Joyce, seconded by Mr. Brem, to approve the Executive Minutes of April 11, 1994. Vote was 4 in favor, 1 abstention (Mr. Dalton because he did not sit in on the session).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to issue a 1-day All Alcoholic license to St. Vartanantz Church for Saturday, May 21, 1994.

Under Warrant Articles, Mr. Lynch said we need to vote on Article 18 - Early Retirement for Teachers. Mr. Brem read the motion as submitted by Dr. Mcser and moved to approve. Mr. Joyce seconded with the limit of 12 staff members. Vote was 5 - 0 in favor.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to recommend the article favorably at Town Meeting.

Mr. Blomgren then went over the warrant articles to see if the BOS wanted to vote on any deferred articles.

Article 2: motion by Mr. Joyce, seconded by Mr. Dalton, unan. to recommend in favor.

Article 3: motion by Mr. Joyce, seconded by Mr. Dalton, unan. to recommend.

Article 4: Dismiss

Article 5: Wait to hear from Sewer Commission.

Articles 6 and 7: Wait to hear from Conservation Commission.

Articles 16 and 17: Defer to Town Meeting floor.

Article 18: motion by Mr. Joyce, seconded by Mr. Dalton, unan. to recommend in favor.

At 7:25 p.m. motion by Mr. Joyce, seconded by Mr. Dalton,
unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Julius E. Carter

then Clerk

Meeting of the Board of Selectmen held Thursday, April 28, 1994 at 6:05 p.m. at the Senior Center, Groton Road. Members present were: Roger A. Blomgren, Robert P. Joyce, Jeffrey A. Brem and Peter V. Lawlor. William F. Dalton joined the meeting at 7:00 p.m. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Town Counsel James Harrington were also present.

Motion by Mr. Joyce, seconded for discussion by Mr. Brem, to go into Executive Session at 6:07 p.m. to discuss potential litigation. Mr. Lawlor said he will vote against going into Executive Session because he feels the matter should be discussed openly. Mr. Harrington also requested the Executive Session as he had other matters to discuss with the BOS pertaining to this subject. Roll Call Vote was as follows: RPJ-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

The Board returned to Open Session at 7:00 p.m. Selectman Brem left the meeting for a business commitment and Selectman Dalton joined the meeting.

Ruth Grivers and her son Mike were present requesting a Common Victualer's license to re-open the bake shop in Parlmont Plaza to be known as Bake-Cafe Shoppe. Ms. Grivers told the Board that she had run Bakeryland at 28 Alpine Lane from 1973 - 1985, then sold it to Gerald Hayes but financed his equipment and since Mr. Hayes has gone bankrupt she is going to re-open the business herself under the name Bake-Cafe Shoppe with hours from 5 am - 6 pm. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to grant this license.

Mr. Lynch said he has appointed John Smaldone, 25 Chatham Road to the Conservation Commission, noting that he has a background that will be helpful and that members of the Commission have interviewed him. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment.

Mr. Blomgren read a prepared statement to the press: " The State Ethics Commission contacted the Town relative to an inquiry they had received concerning the votes taken to resolve the issues surrounding the position of Public Safety Director. The Commission requested the Town delay issuance of the settlement check until Friday, April 29, 1994 to afford them an opportunity to review the matter. Town Counsel has advised the Board that the Commissioner has ruled that the votes are valid and that the settlement check is to be issued immediately."

54 JUN 14 AM 10
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TOWN OF GROTON

Mr. Blomgren said we will post a meeting for Monday, May 2, 1994 at 7:00 p.m.

At 7:15 p.m motion by Mr. Joyce, seconded by Mr. Dalton, unan to adjourn to attend Town Meeting.

For the Board of Selectmen, by

Julio C. Carter

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94 MAY 17 PM 4:14

Regular meeting of the Board of Selectmen held Monday, May 2, 1994 at 7:00 p.m. at the Senior Center, Groton Road. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

The Board discussed the Executive Session minutes of April 19 and April 25 and Mr. Blomgren said that Town Counsel has given his opinion that they not be released.

Motion by Mr. Lawlor to approve the minutes of April 19, 1994 seconded by Mr. Brem for discussion. Town Counsel has reviewed them, as requested. Vote was 5 in favor to approve.

Mr. Blomgren said we have a letter from Town Counsel saying he feels the minutes should not be released until there is complete resolution of the matter.

Motion by Mr. Lawlor, seconded by Mr. Brem for discussion, to release the minutes of April 19th. Mr. Lawlor said what additional resolution is there - the check has been sent, it is a closed matter and he can't imagine what else could come up. It was agreed to table the matter and ask Mr. Harrington to come in.

Motion by Mr. Lawlor to approve the minutes of April 25, 1994.

Town Counsel Harrington came into the meeting and Mr. Blomgren told him that we had approved the minutes of April 19th and that a motion had been made and seconded to release them and Mr. Lawlor had said that all transactions have been cleared. Mr. Harrington reminded the Board that we said the check would be given by the 7th day after the release and it was not sent until the 9th day.

Mr. Harrington recommended that we wait until the check clears and Mr. Lawlor noted that we have the signed release Mr. Blomgren suggested adding "pending notification that the check has cleared."

Vote on Mr. Lawlor's motion to release the minutes of April 19 was 2 in favor (PVL and JAB), 3 opposed (RPJ, WFD and RAB).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to release the minutes of April 19, 1994 pending notification that the check has cleared and that there are no other outstanding issues present, as advised by the Town Manager.

Mr. Lawlor said he is not going to move that we approve the minutes of April 25, 1994, that we will wait until the next meeting.

The Board then discussed warrant articles. Mr. Lynch said that the funding of Article 3 on the Special has changed - he had intended to have it borrowed but this was not put into the article by the petitioner, so now we either have to

appropriate or transfer from available funds - \$5,000.
Article #7 - is to transfer \$95,000. Motion by Mr. Lawlor,
seconded by Mr. Joyce, unan. to recommend in favor.

On Land Sales, on the Annual TM Warrant, Mr. Lynch said he would move to withdraw Articles 11 and 12, that the Land Conservation Trust wants these two properties.
Mr. Blomgren asked what's the driving force behind Articles 8 - 15, and Mr. Lynch said they were either asked for by the abutters or have been on the books for a long time.
Mr. Lawlor and Mr. Blomgren said we need a procedure for handling these articles and Mr. Brem said he will draft a policy. Mr. Lynch said we contacted the Conservation Commission early to see if they were interested.
Motion by Mr. Joyce, seconded by Mr. Dalton, to withdraw Article 11. vote was 4 in favor, 1 opposed (JAB).

Under Other Business, Mr. Blomgren gave out a proposed meeting schedule for the next few months.

Press Questions - Sharon Weitz asked if there is still concern with litigation and Jon Fasana, and Mr. Blomgren said No, not once the check has cleared.

At 7:40 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn to attend Town Meeting.

For the Board of Selectmen, by

W. B. Carter

Tom Clark

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94 JUN 23 PM 12:24

Regular meeting of the Board of Selectmen held Monday, May 16, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren explained the new telephone line - 250-5251 - that will ring in the Selectmen's Meeting Room from 7 - 7:30 pm the first meeting of each month.

Jeff Stallard, 146 Tyngsboro Road, addressed the Board. He said that Paul Douglas, Post 212, is inviting the BOS and Town Manager to march in the Memorial Day Parade on May 30 and then proceed to the Common, where State Rep. Carol Clevon Roger Blomgren and Bill Dalton as a veteran will speak. The parade forms at 9:30 am in the purity Supreme parking lot. Prior to that, there will be a ceremony at 8:45 am at the Veterans' Memorial Park and Sam Poulten, the new Chairman, is inviting the BOS and the Town Manager to attend their service and lay a wreath.

Mr. Lynch said that the DPW will clean out the flag holder bases in the Center and the Auxiliary will place the flags on Monday.

Fran McDougall, 11 Dawn Drive and a Precinct 1 TM rep, called in about streetsweeping, and is there a schedule. She said her retired neighbor had swept up a barrel full of sand and wants to donate it back to the DPW. Mr. Lynch will get back to her with the exact day the DPW will collect the sand. Every street in Town will be swept by mid-June and next year they will try to put something in the media about the schedule for sweeping.

Kathy Cullen and Carla Decker, Co-Chairmen of Friends of the Park, were present to tell the BOS about their fundraising projects for the playground at Roberts Field, which was a community built playground. They hope to raise \$80,000 and have the work completed by 1995, although the Town will still own and maintain the property. Ms. Decker said they are a group of 14 active women, and are planning a hole-in-one golf tournament on June 3rd at the Apple Country Club. The first prize is a new car, and they are looking for more foursomes and also businesses to sponsor a hole for \$50.00. They also showed T-shirts that they are selling for \$10.00 and are planning a walk-a-thon and a booth at the 4th of July celebration.

Henry Emmett, 13 Smokerise Drive, phoned in complaining about the bad condition of the roadways from Concord Road from Carlisle and Boston Road from Billerica. He has spoken to the DPW and Sewer Depts. and asked when will they be done and was told by the end of June. Mr. Lynch said that Warren Ave., Hall and Brian Roads also have to be done, because the trench has to settle for one year.

Mr. Lynch said that several items brought up at the last meeting have been taken care of - the Do Not Pass sign in the Center, the Chelmsford/Westford Sign and the Glenbrook Estates road cuts.

Connie Pelchat, 22 Eldorado, called in noting the terrible condition of Burning Tree Lane, saying it has never been tarred and Henry Emmett called back, saying that he had brought this up two years ago. Mr. Lynch will check on the Sewer situation.

Mr. Lynch read the proposed list of street pavings through the summer.

Mr. Brem noted that there was one Hot-line caller who doesn't want the streets swept at night.

At 7:30 p.m. Chairman Blomgren called the meeting to order.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim May 22, 1994 as Camp Paul Day. Warren Bouchard and Pat Precobb accepted the proclamation and invited the BOS to attend the Silent Auction at the Senior Center at 4:30 pm on May 22nd.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim the Year of the Library. Mr. Joyce read the proclamation, which was accepted by Cathy Crynan-Hicks who thanked the Board for their participation.

Approval of Minutes:

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the Regular Session of April 11, 1994. A copy of the minutes will be sent to the Ferreira family.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of April 25.

Motion by Mr. Joyce, seconded by Mr. Dalton for discussion, to approve the minutes of April 28th. Mr. Joyce asked for more discussion on going into Executive Session and withdrew his motion.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of May 2, 1994.

The minutes of April 25 and 28 Executive Session will be put on Hold until the next meeting.

Mr. Blomgren questioned the BOS practice of releasing Executive Session minutes and Mr. Lynch said once an issue has been resolved there is no need not to release them. Motion by Mr. Joyce to refer unreleased Executive Session

minutes to Town Counsel for his review and to be released in an orderly fashion. Mr. Lawlor said he thinks releasing minutes is a good idea but to make sure that they are suitable for release - we could have either a Selectman or a staff member review them under the guidance of Town Counsel. Mr. Joyce volunteered to sit as sub-committee to review these minutes. Mr. Blomgren said we need to establish what the practice has been and what the policy should be. Mr. Lynch said that collective bargaining is still a strategy and the contracts are in a constant state of change. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to have Mr. Joyce review the minutes after getting guidance from Town Counsel and will present minutes to the Board for release.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a one day all-alcoholic license for St. Vartanantz for June 12th.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a one-day beer and wine license for St. Vartanantz Church for July 30th.

Under Policies, Mr. Brem read the preface to his policy on Classification and read the Policy to Support the Private Business Community, stating that we need to be proactive as a community to encourage business.

Mr. Joyce said he doesn't want to be locked into a policy on Classification - it comes up every year, and he could support a policy only with no reference to classification. He has wanted to roll it back by 1% per year.

Mr. Dalton asked how long have we had classification and was told that it has been in effect since 1987, always at 5% per year.

Mr. Lawlor commented that every year we vote on the tax rate and vote on classification and that this policy is really a statement of interest and not binding. Mr. Blomgren said he would want to make sure we have all the input possible before voting each year.

Mr. Brem said he has presented this policy to EDP and they were in support. The policy can be re-done at any time and he believes policies are non-binding, that they only state the intent. If we do not support this we would have to choose another option from his preamble.

Mr. Blomgren said that \$7mil tax dollars has shifted from business to residential and Mr. Brem said the purpose behind his policy is to assure that residential taxpayers pay less and he wants the policy to state this.

Motion by Mr. Brem, seconded by Mr. Lawlor, to adopt this policy. Vote on the motion was 2 in favor (JAB and PVL, 3 opposed (RPJ, WFD and RAB).

Attorney Joseph B. Shanahan, Jr. was present representing the Glenview Pub & Grill, Inc., with Paul and Helen Hart as the sole stockholders. The Harts bought the GLENVIEW from Harold Kacy in 1984 when the BOS allowed a transfer to a corporation

known as Chrisdanbeth, Inc. The Harts ran the business until July 1, 1993 when they entered into an agreement for a party to purchase the corporation and the liquor license and they would lease the premises back to the buyer. One June 28, 1993 the BOS voted the transfer of stock, sale of the corporation and lease of the building. The lease began July 1, 1993 and in early December the ABCC reported to the BOS that the transfer was not approved because of failure to comply with the Mass. tax office. For 5 months the buyer had not paid meals and employee taxes. Mr. Lawlor had said that the license should not be renewed until the tax issue was resolved and copies of checks were produced to show that the taxes were current so the license was renewed for 1994. Mr. Shanahan said that the buyer has been having serious business problems and that these and subsequent taxes were not kept up. On April 28 the buyer abandoned the property, although the lease runs through June.

The Harts want to re-open the establishment. which was closed under the Chrisdanbeth license. They transferred the stock, inventory and good will of the corporation and now want to leave that issue and start with a new corporation, re-open with a new corporation, name and license. The building and the floor plan will remain the same. The Harts had managed the business for 9 years.

Mr. Shanahan referred to the license application page 5-A and said that there is an error, they don't yet have a common victualer's license. This will be a sports bar and the menu will remain fairly standard. They are asking for an entertainment license for TV, pre-recorded music and a 1 or 2 piece combo. They have notified all 31 abutters.

At 8:15 p.m. Mr. Blomgren closed the Public Hearing and no one present spoke in favor of or opposition to this application. Mr. Joyce asked what happens to Chrisdanbeth and Mr. Shanahan said the license can't sit out there. The licensee no longer has any legal rights to the premises, and we could ask the buyer to return the license. If he chose not to, the BOS could start revocation proceedings, or the buyer may request to transfer the license to another location.

Mr. Dalton said people are concerned that Mr. Hart is putting in pool tables and Mr. Shanahan said no. Mr. Brem asked if this would be a brand new license for that location and is the other license out there? Mr. Shanahan answered that this is a puzzle to him and the ABCC and Mr. Brem noted that we had a similar incident in the East Chelmsford license. Mr. Lawlor said that we are dealing with two phases - a license for premises that the licensee no longer occupies and we should have the licensee in to revoke that license, or the BOS can grant this license subject to the condition that the other license be turned in or revoked.

Mr. Shanahan said this is not necessary - that we wouldn't have two licenses at the same premises, that the current licensee has abandoned the premises, and the last revocation took 5 months. The authority to determine that issue would be the ABCC. In anticipation that the previous licensee may come in for a transfer of the license, the BOS should ask him to turn in his license. Mr. Shanahan said he is not sure that the 1994 liquor license is valid since it was based on fraudulent taxes.

Mr. Lynch said that with all the activity in December the affidavit was finally signed by Paul Hart. Mr. Shanahan said that the situation at that time was that the ABCC had denied the transfer from Mr. Hart to the buyer because the taxes were not current and the BOS asked for documentation from the buyer and he submitted copies of checks. Both the BOS and Mr. Hart relied on the authenticity of payment, and Mr. Hart signed the affidavit for renewal.

Mr. Lynch noted that the law does prohibit two licenses at that location and recommended that the other license be revoked. He recommends that the new license be granted subject to the other license becoming inactive.

Mr. Dalton said that we have an individual who wants to re-open his business and we know he has a 9-year track record. It's not his fault that this has happened.

Mr. Lawlor asked if there has been any surrender to rights to the premises and Mr. Shanahan said there has been an amicable transfer - the keys were given back to Mr. Hart, etc.

Mr. Blomgren stated that our options are fairly limited, that the BOS has a problem issuing another license to that address. Mr. Joyce said as a separate action we could request the current license holder to surrender the license and grant a new license subject to the resolution of the current license.

Motion by Mr. Dalton, seconded by Mr. Joyce, unan. to waive the Board's policy of not voting on a liquor license the night it is heard due to Mr. Hart's 9-year track record, unan.

Motion by Mr. Joyce to vote to approve the new license but not issue subject to a successful resolution of the surrender and/or revocation of the current license. Mr. Lawlor suggested we notify him of our intent to revoke the license by way of abandonment. Mr. Blomgren said we should wait until the final action has been taken to have the current license no longer valid.

Mr. Lawlor said the Board's findings of fact are: the prior licensee has abandoned the premises and the current applicant has no legal interest in the current license and is in fact applying for a new license.

The hours requested are: 8 am - 2 am weekdays; 12 noon - 1 am on Sundays. Mr. Blomgren said to have this reviewed by Town Counsel before we send a letter to the current license holder. (Current licenses were turned in to the BOS office Tuesday, May 17, 1994).

Mr. Joyce's motion was seconded by Mr. Dalton and voted unanimously.

Cathy Frazer, New England Telephone, was present with three petitions:

1. Dalton Road - joint petition with Mass. Electric. Moving one pole app. 18 feet back to Field Street. No one present spoke in favor of or opposition to this petition. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.
2. Locke Road - 5 feet underground conduit into the location of a 4-lot subdivision. No one present spoke in favor of or opposition to this petition. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.
3. Turnpike Road - 253 feet of underground conduit on side of pavement. Facilities are becoming quite congested and they need facilities for future construction and service at the McCrensky property before he paves the driveway area. Mr. Joyce expressed concern about digging up the road and Ms. Frazer said this is not a roadway but in grassy area. She has talked with the Town Manager about adding more detail to the plans when submitted. No one present spoke in favor of or opposition to this petition. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

The BOS then met with Cy Locke and Kelly Beatty of the Cable TV Advisory Committee. Mr. Lynch said that the contract is being negotiated with Attorney Peter Epstein and the CATV Comm. The BOS issues the franchise and asks for RFP's, and this meeting has to be in open session.

Cy Locke, CATV Chairman, told the BOS that they are required by law to begin negotiations with the cable operator 30 - 36 months prior to Sept. 1, 1995 - the end of the current contract. This began in Fall, 1992 when in early October Lowell Cable sent a letter to the Town Manager and a Public Hearing was held on Nov. 11, 1992. His Commission and Atty. Epstein have reviewed the tape and have to initiate the FRP. We are asking Lowell Cable to make a proposal and telling them what we'd like to see in the new contract. Once we receive the RFP by Sept. 1st, then negotiations begin.

Attorney Epstein said he has drafted the RFP, and has negotiated 4 renewals with Colony Cable. The Town has 15 months left to renew the license and he asked the BOS to review the RFP and ask for it by Sept. 1. Anything we don't agree on we have to negotiate and we will give Colony the summer to do their proposal. As required by Federal law the

RFP only goes to Colony. We can do a second RFP for second franchise but we have to negotiate with the "monopoly franchise" first. No one in Mass. has more than one Cable TV provider in any one community but Congress is trying to encourage competition. There is a variable length of time on the renewal license, which the BOS can determine - not more than 10 years nor less than five. Our aim is for constructive negotiation - the CATV has a good RFP and we are trying to get more information for the community. Mr. Epstein continued that Colony is a reasonable operator and Cy and the CATV get along well with them. The license is negotiated with the 5 BOS and the success is measured with what priority items you get. It is not always 100% but most communities get pretty much what they want. Mr. Lynch asked the BOS to review the RFP so we can get it out at the June 6th meeting. It was agreed that the BOS is invited to the next CATV meeting. Mr. Lynch said that he wants to commend the work Kelly Beatty did on the Federal grant application. Atty. Epstein said that Chelmsford is the only Town he knows of that has applied for this and congratulated Mr. Beatty.

Mr. Lynch said that we have a new policy presented for review by the Commission on Disabilities. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to ask Town Counsel for a legal or state interpretation of the policy and John Harrington, President of the Chelmsford Businessmen's Association, to review the policy. Mr. Brem said he will introduce a new policy at the next meeting on preserving our resources. Mr. Blomgren said he has written a policy that all polls should be open during any election from 7 am to 8 pm. Motion by Mr. Brem, seconded by Mr. Joyce, unan. to have the latest Smoking policy formally supersede any policy on Smoking in Public Buildings. Mr. Dalton said that this policy should be circulated to let employees know that there are no longer any designated areas in public buildings. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to solicit appropriate licenses packages from other communities regarding liquor licenses and to add to our ABCC check list the BOS finding of fact documentation. Mr. Joyce questioned the permitting process and Mr. Dalton said he will draft a policy for the next meeting to explain each step to be taken to obtain a permit. Mr. Lynch said there are a couple of issues: 1. we can put together procedures to be followed and will move forward with that; and 2. if the Town is absolutely laying out procedures and there is something we're not aware of, do we open ourselves to more liability and Mr. Lawlor said No, less liability. Motion by Mr. Dalton, seconded by Mr. Lawlor, unan. that we request the Town Manager to draft up a packet so every individual looking for a permit or license learns what has to

be done. Mr. Lawlor added that we should plan for more coordination between department heads.

Under existing policies Mr. Blomgren said that all Town vehicles are supposed to have the Town seal, and Mr. Lynch said we are ordering seals and lettering to fit the smaller cars, and said that no Town vehicle can be used for personal use.

Mr. Lynch said he is still working on the Employee Assistance policy/program.

Under Reports, Mr. Lawlor asked about the painting of the walkways in Vinal Square and Mr. Lynch told him they have been done and Central Square will be done ASAP, when the rain stops.

Mr. Lawlor said he has asked Chief Caron to make Vinal Square a high priority enforcement area and he has seen officers out of squad cars issuing citations. Mr. Lynch said that Traffic and Safety was working on this area and the State came forward and said they had some money and would help the Town. We are working with Rep. Carol Cleven to put together a list of highways the state could help us with.

Mr. Brem asked that we have the Elks come in to the June 27th meeting to give us an update on the 4th of July Parade. Mr. Brem said he is writing a policy on the sale of Town-owned land and asked Mr. Lynch to review it.

Mr. Brem moved, seconded by Mr. Joyce. unan. that we send a letter to the State thanking them for re-paving the bridge approaches over Rte. 495 on North Road and asking them when they are going to do the bridge itself.

Mr. Brem said that with the Greater Lowell Mental Health Assoc. we never know what they do with our money every year. Mr. Lynch said they send us yearly reports, and would be glad to come in to a meeting. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to ask them to attend a BOS meeting at their convenience.

Mr. Blomgren reported that he and Mr. Lynch attended Rescue Hanscom, a meeting on the base's possible closing. There were app. 200 people and several towns in attendance. We have 551 employees and a \$30 yearly payroll among Chelmsford residents and we need to act pro-actively. We offered to host a public forum and since they're looking for help we have a great opportunity. Mr. Lynch said he has talked to Mark Provost of Rescue Hanscom and is working with the School Dept. to obtain the McCarthy Auditorium for the second week in June.

Mr. Blomgren announced that we are having a Keep Chelmsford Clean Week/Day on June 11th and are looking for folks who voluntarily want to clean up common areas. There will be

dumpsters placed around Town that day and a letter is going out to school and civic organizations. The BOS is working with Waste Management and the cost is app. \$2,000. We may get a lot of or a little cooperation, and we can promote it at the Chelmsford Businessmen's Association Wed. night. Mr. Dalton suggested that we do a policy designating one week in May every year as Keep Chelmsford Clean Week and Mr. Lynch said we could also tie it in with DPW activities. Motion by Mr. Blomgren, seconded by Mr. Dalton, unan. to proceed with a Clean Chelmsford Week with one specific day, June 11th, as the day dumpsters will be placed in Town. We are looking for the support of the residents, School Dept. and fraternal, civic and business groups.

Mr. Joyce reported that we had a very successful Hazardous Waste Day on May 7th, and will have another one in September. He asked about streetlining and asked Mr. Pearson why we can't use paint or a solid color. Mr. Pearson said they get slippery and Mr. Joyce said that other Towns do it and there is a special type of paint. Mr. Pearson said that the State Uniform Traffic Control Manual calls for solid white lines.

Mr. Lynch then went over his FY94 Initiatives:

1. He is moving forward with his five year capital plan and will present it to the BOS on 11/7/94. He will have an analysis of the operating budget by 8/25.
2. **Public Safety Restructuring** - on June 6 he will appoint an Acting Public Safety Director and both chiefs are re-structuring their departments.
3. The Assessors division has been re-structured.
4. The FY/95 budget has been completed.
5. The Community Service Council is moving forward, with a meeting tomorrow night,
6. **Centralized Community Development** - working on a permitting procedure for people to follow
7. Comprehensive Annual Financial Reports (CAFR) - on Hold
8. **New Library Facilities** - looking into State Aid monies
9. **Total Quality Management** - we are still looking at this program
10. **Reporting Improvements** - we are receiving regular monthly reports and bi-weekly highlight sheets
11. **Prior Year's Initiatives** - Police Dept. is computerized and Personnel Classification is completed. New initiatives include Central Square, Rte. 110 and Employee Assistance Program.

This is the 3rd quarterly report and the 4th will be given at the end of the year.

Mr. Lynch reported that on the Nickles matter at the pre-trial conference on May 12 it was indicated that he could stay in Town. He will go over the matter with Town Counsel.

Mr. Lynch reported that re summer activities, we are stepping

up patrols, doing signage and work on the spillways at Varney Playground and Edwards Beach.

On the **Streetlight project**, it is the intent to change to change 40% of the lights to S-2 for a savings of \$40 - 45K and we are 2/3 of the way there. We will keep the same number of lights in place but some will be moved because they are not effective. There are many complaints but the savings are worth it.

On **Snow damage**, Mr. Lynch has asked residents to contact the Town Manager's office with complaints that have not been rectified. We are trying to work with the residents.

Under **New Business**, Mr. Blomgren said he will send a memo to the BOS and Town Manager due to the lateness of the hour.

He will be the new liaison to the Library Building Committee, replacing Dick DeFreitas.

Mr. Blomgren asked for a list of BOS liaisons for June 6, and Mr. Lawlor and Mr. Joyce will report on the Charter Subcommittee at that meeting.

At 10:35 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

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Regular meeting of the Board of Selectmen held Monday, June 6, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Richard DeFreitas was present and said he is not against the Lowell Arena but asked the BOS as protectors of the Town what would an arena do to the Rte. 3 traffic and would the overflow come into Chelmsford. Mr. Blomgren is meeting with Lowell City Manager Johnson on Friday and will report back to the BOS.

Mr. Joyce presented a Certificate of Appreciation to Karen Leonard, who has served six years on the Cultural Council.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim the Week of June 6th - 11th as Keep Chelmsford Clean Week. Mr. Joyce read the proclamation and Mr. Lynch said that dumpsters will be placed behind the Town Offices and at the North Chelmsford Fire Station. Residents are encouraged to clean up the major routes and may call the Town Manager's office to ask for a specific area.

Cheryl Warshafsky, 3 Moonbeam Avenue, phoned in re the Public Safety Director position and said that the BOS should not approve it, that the taxpayers are very concerned. Mr. Lynch told her he is reporting on this shortly.

Mr. Dalton read the proclamation acknowledging today as the 50th Anniversary of the D-Day invasion in Europe, and Bill Hahn, Director of Veterans' Services accepted it. Mr. Blomgren thanked Mr. Hahn for the moving D-Day tribute that took place at the Veterans' Memorial Park earlier today. Mr. Hahn thanked all who participated, especially the children, and said it was an honor and privilege to be with the old soldiers today. Mr. Blomgren said he was touched by the bonding between the students and the veterans who had landed in Normandy on June 6, 1944. The 4 Chelmsford Veterans who took part in this invasion were: Walter Hedlund, Harry Silveria, Dr. Howard Moore and John Labowicz and all were present to receive photographs of themselves that Mr. Joyce had taken during the earlier ceremony except Mr. Labowicz. The veterans who were present thanked the BOS for this tribute and were warmly applauded by everyone in attendance.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the meeting of April 28, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the Executive Session on April 28, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve

the minutes of the regular session of April 25, 1994. Mr. Joyce said he will start reviewing minutes of Executive Sessions for release, starting now and working back.

Kit Harbison, Cultural Council, was present requesting a Roadside Vendor's license for Arts in the Park, a summer program planned by the Council where local artists would set up on the Center Common on Tuesdays from 11 am - 2 pm this summer to demonstrate their art/craft, and be allowed to sell works if asked.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the granting of this license. Mr. Blomgren asked her to come back in September to tell the BOS how this event was received by the public.

Under Town Manager reports, Mr. Lynch reported that Rescue Hanscom is holding a Public Forum at McCarthy Middle School in Chelmsford on June 7th at 7:30 p.m., to be carried by Channel 43. Mark Provost, head of the Rescue Task Force, will make a presentation on what a Town can do to help save the base, which employees 151 Chelmsford residents with a payroll of \$30mil per year.

Mr. Lynch reported that street paving has begun for this year in two phases - now thru mid-July and again in the Fall.

On the subject of Public Safety, Mr. Lynch has asked the Police Chief Armand Caron, who has been chief for one year, and Fire Chief Jack Parow, who has been here for just a short time, to speak to the Board. He said they are both enthusiastic and full of new ideas for their departments.

Chief Caron spoke first, noting that a year ago there were 28 patrol officers, 1 Acting Chief and 8 Sergeants, and we now have 33 patrol officers, 8 Sergeants, 3 Lieutenants and 1 Chief, with 3 more men in the Academy.

We have several new programs - Park and Walk, where the officer leaves his vehicle and walks the business neighborhood for 1/2 hour time periods, and this has had good feedback.

All officers now have bullet proof vests and their personal radios to take home, which makes it much easier to reach them.

The Dept. has sold 12 vehicles for \$26,000 at auction.

We have upgraded the Police Station with a new heating system, with the fuel bill 33% less, and upgraded the designated areas for E-911 and for central dispatch when the dispatchers come over from the Fire Dept. There is a new phone system which is compatible with E-911 which is expected in November, the station is now handicapped accessible and the dispatchers are in uniforms.

We have applied for a federal grant for the community, a multi-equipment grant with Westford for fully equipped vans and we are also applying for a DARE program grant.

The new alarm by-law has netted us app. \$8,000 in fees. We are re-doing policies and procedures. The Criminal Bureau is now the Special Services Unit, putting the 3 Bureau Officers, Juvenile Officer, Community Services Officer and Prosecutor all under 1 officer. We applied for our 9th sergeant last Friday so there will always be one sergeant on duty, and not on overtime. We have three lieutenants, one in the criminal bureau, one in operations and one in administration. Mr. Lynch commented that they have made great strides in computerization.

Mr. Joyce commended Chief Caron for an outstanding job during a very hectic year and for providing leadership.

Mr. Lawlor thanked him for increasing the visibility of officers, especially in Vinal Square and asked him what are priority items in the building. Chief Caron said it has been completely painted inside and we have a temporary fix on the septic system but it won't hold out until we get sewerage in 3 years. We should be looking at plans to put on an addition - it would take \$5 - \$7mil to build a new station but we could put a second story on this building and move administration up there. The roof is also in need of repair.

Mr. Dalton said that re Vinal Square, he saw two officers walking the area last Saturday and cars were still flying through the square and don't stop for pedestrian lights. We need more visibility.

Chief Caron said the lights are in the wrong place, and there should be warning lights on Tyngsboro Road. Mr. Lynch said the Square will be signalized by this fall or next spring.

Mr. Brem said he has noticed more cruisers patrolling the streets with radar guns and Chief Caron said we are using selective enforcement, which works out better than randomly. Chief Caron said that E-911 will include parts of the community that don't now have 911 and that the new system will give the address of the person calling.

Mr. Blomgren commended the police and fire depts. for their handling of the recent phone outages.

Fire Chief Jack Parow then addressed the Board, noting that he had started the end of February and thanked the Town Manager for inviting him to speak. He said they do a lot of work behind the scenes and are a full department of 60+ men and women with good ideas, who have all helped in settle in. They have 5 emergency phones, one in each station, which are placed in the lobby area and tune into the dispatch area. These phones are used when a station is not manned due to an emergency.

Twenty-three (23) members have graduated from an EMT class and take their State boards in July and should be certified in August. This will give the dept. 25 EMT's and he hopes to have at least one EMT on each engine which will provide a higher level of service. We have started training with the defibrillator machine and the whole dept. will soon have finished training. We now have enough money to buy 3

machines but still need \$15,000 more.

There is a need for maintenance in the stations and the firemen have started painting, which is much appreciated. Re the Emergency Management team concept, he, Chief Caron and the Town Manager have discussed major incidents, and he and Chief Caron have almost daily contact. He thanked them both for helping him in getting through the transition period and added that he is trying to put a group of lieutenants in place in the dept.

Mr. Joyce said that he has spent some time at the Fire Dept. and has found them to be an ambitious, motivated group of men. He said that under Chief Parow's leadership the dept. has revitalized.

Mr. Lawlor asked if we have a continued need for call boxes in Town and Chief Parow said there are 2 types - a street box on telephone poles and master boxes on the outside of buildings. They run over the same cable so if we take out one we have to take out the other, but they have gradually been not replacing. He questioned the response time of the ambulance service and Chief Parow said the Town Manager has been sending over their monthly reports and the average response time is 4 - 6 minutes. There is a longer response time when we call for a second ambulance.

Mr. Brem welcomed Chief Parow to Town and noted that we now have a Town Manager, Police Chief and Fire Chief now living in Town and appreciates him moving into Town immediately. Mr. Brem added that he, Chief Parow, Selectman Dalton and Town Manager came in second in the Friends of the Park Golf Tournament.

Mr. Blomgren asked about Mutual Aid and what impact will budget cuts in the City of Lowell have on Chelmsford.

Mr. Lynch said that on the whole issue of Public Safety he is very pleased with the progress in both departments and the enthusiastic energy and leadership of both chiefs. He had had concerns re the level of cooperation between Police and Fire but both chiefs show a high level of cooperation. The issue of a consolidated Public Safety has caused distraction and divisiveness within the Town. Emergency Management planning will combine the dispatchers, the EMS level is higher and we are looking at facility planning. He is satisfied that we are making progress with the main concepts of the plan and proposed that the BOS rescind his consolidation plan that was voted last year.

Motion by Mr. Joyce, seconded by Mr. Brem, that the BOS adopt the philosophy of separate Fire and Police Departments. Vote was 4 in favor, 1 abstention (WFD due to a possible conflict of interest since he is a member of the Fire Department). Mr. Lynch said there is no risk going in that direction, and

there is no need to go beyond what we have with these two chiefs. He has an organizational chart on file.

Cathy Frazer, New England Telephone, was present with two pole petitions:

1. Hitchin' Post Road and Whippetree Road - place and maintain 3 poles. these poles are necessary for support and all are to be set off the pavement, app. 3' back from the macadam.
Mr. Brem noted that sometimes we replace old poles with new ones, and we have had some double poles for months. Ms. Frazer said that we implemented a system last fall and she is meeting Tuesday with the Town Manager. No one present spoke in favor of or opposition to this petition.
Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.
2. Parker Road - move one pole app. 48". Pole is now directly in front of a home and will be moved to the other side of the driveway.
No one present was for or against the petition.
Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Mr. Joyce asked about cuts on Turnpike Road and Ms. Frazer said she will get back to him.

Mr. Dalton asked about the slanted poles on Chelmsford Street and Ms. Frazer said they are meeting on this matter on Thursday.

Robert Frank, President of Mar-Mar Corp. d/b/a Bagel Alley, said he now has 6 locations, including a factory in the old Robert Hall building in North Chelmsford. He is applying for a Common Victualer license for One Village Square for the hours of 6 am - 7 pm, probably less. Mr. Joyce said as a fellow businessman he wishes him success and Mr. Lawlor said his product is outstanding and should be a good addition to that area of Town. Mr. Brem also wished him luck.
Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a Common Victualer's License for Bagel Alley at One Village Square.

Attorney James Flood then met with the BOS, stating that he is representing New Country Buffet, Inc. d/b/a The Princeton, 147 Princeton Street, Ronald Greenwood President and Treasurer and sole stockholder and Mr. Flood as Clerk of the Corporation. They are applying for an All Alcoholic Common Victualer license, Common Victualer license and Weekday and Sunday Entertainment licenses. He presented and affidavit of service and said the floorplan is slightly changed. They want to operate similarly to the former Bob White's Princeton Lounge and are requesting hours of 8 am - 2 am. As for capacity, the restaurant will seat 200 - 300, the lounge 150 - 200, and the banquet hall 200 - 300.
The manager will be Joanne Adamson, formerly a Chelmsford

resident, and a manager of the 99 Restaurants for 5 years. There are 2 entrances, one in front and one in back directly into the bar, and a wall separates the bar from the function area.

Mr. Joyce asked if this is a new corporation and Mr. Flood said it was established in September, 1993 and explained that they bought the property through Bankruptcy Court.

Mr. Lawlor said that the Commission on Disabilities has asked that any new establishment be in compliance with ADA regulations.

Mr. Lawlor also told Mr. Flood that the ABCC has come up with a "Constructive Transfer" condition on licenses - sometimes they will look for a new corporation to pay any taxes owed by the former owner or manager. Mr. Flood said he doesn't know if the former proprietor paid his taxes.

Mr. Lawlor said he had heard that former Fire Chief Bob Hughes was involved, and Mr. Flood said that he has no equity in either corporation but will be an employee.

Mr. Blomgren asked about parking and Mr. Flood said he thinks it is sufficient but the Bldg. Insp. will check.

For Entertainment Mr. Flood said they are asking for a live band or DJ's and a one or two piece combo. Mr. Lawlor said the Board's custom is to vote on liquor licenses at the next meeting, and on June 27th we want more specific entertainment information. We want a description in your own words as to what type of entertainment is requested.

Attorney Flood said he knows it is the BOS policy to wait to vote on licenses but he wants to get the application to the ABCC prior to the 27th. He can wait on the entertainment licenses. Mr. Dalton asked didn't the former proprietors have entertainment licenses and it isn't fair to hold up the application for entertainment purposes.

Frank Martin, 140 Princeton Street, directly across from the lounge, said he is objecting to the hours. When Bob White was there they had a problem with noise, loud radios, drunks and screeching tires at 1 - 2 am. This was not a problem with Old MacDonald's 12 midnight closing.

Mr. Joyce asked what actual hours are they planning to stay open - looking at the list of restaurant closing hours, no one stays open until 2 even though their license states that. Mr. Greenwood said that in the function hall if they serve until 1 am they need 1/2 hour to get the drinks off the table and Joanne Adamson said they won't serve last call to young kids.

Attorney Flood said they have put new insulation in the ceilings and the noise would be in the back. Mr. Blomgren asked what about a 1 am license for one year and Mr. Flood said they have to compete with other banquet facilities. Mr. Brem noted that most restaurants have 2 am closing and Mr. Dalton said let's give him 2 am and if we have problems, call him back in.

Ms. Adamson said she is TIPS certified and has gone through the 99 8-week training program and has opened 3 restaurants for the 99.

Joyce
Mr. ~~Blomgren~~ said he is concerned about last call at lam and wants to keep out riff raff from other Towns. He said the BOS can either vote tonight or wait until June 27th. Mr. Joyce asked Mr. Flood what would the impact be if we waited and Mr. Flood said they have already interviewed over 100 people for the 110 positions to be filled and have started booking functions for the Fall.

Motion by Mr. Dalton, seconded by Mr. Joyce, to waive the BOS policy of waiting until the next meeting to vote and voting tonight. Vote was 4 in favor, 1 opposed (RAB).

Motion by Mr. Dalton, seconded by Mr. Joyce, to approve the All Alcoholic Common Victualer license and table the requests for the Entertainment licenses until we get more clarification. Vote was 4 in favor, 1 opposed (RAB).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Common Victualer license as requested.

Motion by Mr. Dalton, seconded by Mr. Joyce, to approve the hours of 8 am - 2 am for the All Alcoholic license and the Common Victualer license. Vote was 4 in favor, 1 opposed (RAB).

Anne Donohue, member of the Commission on Disabilities was present to discuss the Common Victualer license - DBA policy. Mr. Lynch said that this policy came up two years ago, when the Town of Dennis adopted a policy that anyone applying for a new or transferred alcoholic common victualer's license must be in compliance with ADA. The Chelmsford Commission is asking for new, transfer and renewal. There was discussion as to who would enforce the compliance - the Bldg. Insp., the BOS, or the Commission. Mr. Lynch said he will get an interpretation from Town Counsel and also ask John Harrington for input from the CBA. The matter will be put on Hold until we have these responses.

Under BOS Reports, Mr. Joyce reported that he walked the golf course and took pictures at the Friends of the Park Golf Tournament last Friday. Mr. Lynch said they are also pursuing grant monies for their project.

Mr. Joyce reported that some BOS members and the Town Manager had a tour of the Sun Micro Systems facility this morning and it was very impressive.

Mr. Dalton asked Mr. Lynch about the parking situation in Vinal Square, has it been resolved and Mr. Lynch said that the BOS has asked for a waiver from the State. He will check on this and report at the next meeting and added that most of

the project was put on Hold due to the Transportation Bond issue.

Mr. Dalton asked about Pine Hill Avenue streetlights and Mr. Lynch said he is meeting with Mass. Electric tomorrow and will hope to expedite this by the end of this month. Mr. Dalton asked what are the guidelines for lights and Mr Lynch said intersections, generally every third pole and high crime areas.

Mr. Lawlor said he attended an LRTA Board meeting and they are looking at expanding their office space in Lowell. Bob Kennedy would like to meet with the Board over the summer to discuss schedules, etc.

Mr. Brem said that at the Middlesex County Selectmen's meeting they will be discussing Route 3 and Rescue Hanscom. He said that the Chelmsford Rotary Club wants volunteers to go into their dunking pool on July 3rd and 4th and asked BOS members to volunteer for 1/2 hour.

Mr. Brem said that he wants to wait on his policy on trails and open space until the next meeting. He said that the BOS has asked him to write a policy on the sale of Town-owned land, which is being reviewed by Town Counsel and the Town Manager.

Mr. Blomgren said he attended the Library Building Committee meeting and they need to select an architect, which they will do on Wednesday. He will report on this at the next meeting. Mr. Blomgren asked that we send a letter to Bill Hahn, congratulating him his organizational skills on a touching D-Day Ceremony and his good idea to get the old and the young together.

He spent an evening with the Cable TV Committee and our ideas will be incorporated into two documents that he's asking the BOS to sign tonight.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. that we request a renewal proposal from Lowell Cable for cable service to the Town.

Mr. Dalton asked Mr. Lynch if the problem has been solved with the Avila land on Old Westford Road and Mr. Lynch said he will meet with Mr. Avila if he wants.

Mr. Blomgren said that he had met with Counselor and Mrs. Hunnable from Chelmsford, England.

Under New Business Mr. Blomgren said that kids are still getting up on the spillway at Freeman Lake and Mr. Lynch said he will ask the Police to step up patrols.

Mr. Blomgren noted that near the sub-station at Southwell Field the Boy Scouts had put up nice rails which were all taken down and broken. Mr. Lynch said that he will ask the DPW Director to ask Ed Jamros to fix it.

Mr. Blomgren then requested: signs at Draycoach and Footpath be replaced; another request be sent to the state for the Chelmsford/Westford sign; check to see if all the applicants for the Assessors position have been notified and noting that Driftwood Drive has not swept.

Mr. Blomgren gave BOS members a performance document for the Town Manager and asked members to review it and let him know. This should be done around the July meeting and he wants feedback from the last few years processes.

Mr. Dalton said that there are no signs on Scott and Diane Drives. He said he has noticed kids hanging around the Summer Street Burger King and the manager should be put on notice that if this continues he will have to hire a detail officer to be paid by the company. He asked about sand on the sidewalks and Mr. Lynch said this should be done by the sidewalk sweeper.

Mr. Blomgren gave members a liaison list and asked each to state his preferences by the June 27th meeting.

Under Appointments, motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment of Joseph Connell of Westford as a Deputy Constable as requested by Constable William Spence.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to re-appoint Judith Olsson, 8 Scott Drive to the Board of Registrars for a 3-year term.

Mr. Joyce referenced a letter from Capital Distributing Inc. requesting to be notified if there was a transfer of a license from the Glenview Lounge and Mr. Lynch said we don't do anything because they are not requesting a transfer.

Mr. Joyce said he had an anonymous letter re a problem with zoning violations. If the writer is watching, please call him the Town Manager or the Selectline directly, as we need more information.

Mr. Lynch said that is the problem with anonymous complaints, that we can't get back to people and they think we're not doing our job. If they will leave their name, we will keep it confidential but we often need to get more information.

At 10:00 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to go into Executive Session for the purpose of discussing real property, collective bargaining and pending litigation. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye. The Chairman said we will not be returning to Open Session.

For the Board of Selectmen, by

J. C. Carter

RECEIVED
94 AUG 17 AM 11:42

Work Session of the Board of Selectmen held Monday, June 13, 1994 at 7:30 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Town Clerk Mary St. Hilaire and Assistant Town Clerk Betty Delaney were present to discuss the BOS proposed policy that polls be open from 7 am - 8 pm for all Town Elections. They showed charts and graphs to the BOS indicating that it is not the polling hours that makes a difference in the voter turnout - it is the issues or ballot questions. After much discussion the BOS said they will vote on this policy on June 27th.

Ms. St. Hilaire also brought up the BOS policy on the ADA Common Victualer license requirements and Mr. Blomgren said that we are having Town Counsel review this issue and will vote on July 18th.

Other topics of discussion included objective criteria for Town Counsel's review, areas of legal expertise in general, a 5-year plan for the Town, informational meetings before Town Meeting, budget meeting with School and FinComs in November, impacts of regionalization, letting residents know why taxes keep rising, let Town know BOS goals for the community, have work session with Planning Board to discuss long term issues and possible by-law changes, continual review of regional efforts, communications between BOS members and BOS Chairman and Town Manager, protocol at meetings - professionalism, point of personal privilege and Personal Holds.

Following is a list of action items arising from the Work Session:

BOS Work Session June 13, 1994

1. Schedule vote on election hours for 6/27
2. TM to check through MMA on other Town's ADA policies; try to schedule vote for 7/18
3. Send copy of each agenda to Town Counsel - see if he should attend meeting
4. Try to put scheduled business items on character generator weekend before each BOS meeting
5. RAB to draft letter to Town Counsel outlining areas of concern - "prophylactic work"
6. Have Town Counsel check time frame on Hilliard case and restitution matter
7. Obtain list of all legal expenses (excluding sewer) for past year; compare percentage of budget spent on legal

with other communities

8. November 7th - budget meeting with FinCom and School Comm; also capital planning - preliminary plan by August 15th
9. Ask Planning Board members to come to Work Session to discuss long-term issues, need for planner, new by-laws for Town and Board of Appeals
10. Try for Dept. Head/BOS meetings in Fall and Spring
11. Schedule next Work Session for early August
12. RPJ to get folders for proclamations and certificates of appreciation; get background info from Comm. Chairman
13. BOS goals:
 - a. Establish Community Service Dept.
 - b. Decide numbers (% of budget) for stabilization fund
 - c. Business Incentive Program
 - d. Depression of utility poles along Rte. 110 and Center
 - e. Charter changes
 - f. Alleviate traffic problems
 - g. Best possible ambulance service at best price
 - h. Work together as a Board - make the community function in the best way possible
 - i. Minimize duplication in both services and equipment -have town and school work together in-house; use regionalization whenever and wherever practical; continual review of these processes
 - j. Annual Trash Day - take out 18 tons next year
 - k. Make use of banners in Square to announce Town events

It was agreed that this was a very productive session and another will be scheduled for early August.

Mr. Lynch handed BOS members a Town of Holden evaluation form for Town Managers.

At 10:55 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Executive Session to discuss contractual agreements. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Oakes

RECEIVED
94 AUG 17 AM 11:42

Board of Selectmen Meeting held June 24, 1994 at 8:30 a.m. in Room 101. Present were: Roger Blomgren, Robert Joyce, Jack Parow, William Dalton and James Pearson, Acting Town Manager. Mr. Blomgren stated it was an open meeting and no votes would be taken and asked that Mr. Dalton not participate in the discussion.

Mr. Blomgren opened the meeting by stating that the meeting was called due to a memo issued by Chief Parow Re: Filling Shifts. He gave the members a handout of the minutes from the April Town Meeting and he played a video tape of the ATM in which Bernie discussed the Fire Department budget and future closings. The minutes read (in response to a question if all stations would be manned) "The Town Manager explained that periodically one may have to shut down due to lack of manning a station, but all stations are to remain open." In the video tape of Town Meeting Bernie explained that he wanted to be clear that if the manning was such that due to vacations, sick days or I.O.D, and they don't have the funds available later in the year it may necessary to juggle things around in the deployment of personal and it may be necessary to close a station during the day.

Selectman Blomgren explained that due to vacation, sick days, and personnel days there may be rotational problems and he asked the Chief if more funds were available how it would handled. Chief Parow said he would fill man for man. Mr. Blomgren said the memo the Chief sent out was a surprise due to the quickness of the action and he asked the Chief to explain what prompted the timing of the action. The Chief said due to the fact he had only been on the job a few months he had very little input to the budget. He reviewed the budget and found some contraccutual (holiday pay) problems and he and Bernie met to discuss and make adjustments. The overtime was set at \$135,000. FY 94 overtime was budgeted at \$200,000. and by February 1 that money was already expended. He projected \$300,000. will be spent on overtime for FY 94 due to the fact they were running with 8 less firefighters. Average overtime per week was \$8,000. - 10,000. per week until the new men came on. The Chief now projects a weekly overtime budget of \$3,800.-4,000. Chief Parow said with these numbers he projects a shortfall of approximately \$65,000. - 70,000. and he feels it is his obligation to stay within his budget and avoid a crisis situation in June. The Chief stated that he wants to spread the risk over a year and that is why he choose to close the two stations, Engine 3 on odd days, Engine 4 on even days, when staffing levels fall below 10 people. The selected time will be Monday through Friday 8:00 a.m. - 6:00 P.M. when the daytime population is less. Right now, according to vacation schedules, there will 2 days in August with a station closing. The Chief further stated that to see the savings the plan must be done over the course of the year so that he can monitor it month to month.

Selectmen Joyce asked if they should consider hiring more men. Chief Parow said it would not be cost effective due to the cost of benefits. Selectmen Joyce said the Public Safety Directors salary should go to this department and we wouldn't have this problem. Chief Parow said this plan allows him to live within his budget, budgets are tight, Education Reform is requiring more money, Armands budget has been cut and he understands that cuts must be fair and equitable. Chief Parow said in his discussions with the Town Manager that Bernie stressed he did not want any stations closed.

Selectmen Blomgren asked Chief Parow if he made a recommendation to the Town Manager and the TM told him to implement this plan. Chief Parow said they discussed the plan but he did not think it was the Town Managers place to tell him to implement it. The Chief said it is his decision as a strong chief under statue 48-42 to implement the plan.

Mr. Joyce said he thinks the Chief is taking a proactive approach to the situation. Selectmen Blomgren said the recommendation the Chief presented is well thought out and makes a great deal of sense. He would like the Town Manager, under Reports at Mondays BOS meeting, to make a statement regarding this issue.

Selectmen Joyce asked Chief Parow about Mutual Aid in regards to overtime. Chief Parow said that on occasion they go to Lowell and the cost to the town is \$450. Roger said they should meet with other towns for a level of understanding. The Chief said that such a meeting is in the works. Bob felt that we should not be covering other towns stations. The Chief said we may need Lowell in the future with stations closing and that Mutual Aid is the backbone of fire service. The Chief added that we will only be covering fires for Mutual Aid and we will not be covering stations.

Respectfully submitted

Marcus Curran

RECEIVED

94 AUG 17 AM 11:42

Regular meeting of the Board of Selectmen held Monday, June 27, 1994. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and William F. Dalton. Town Manager Bernard Lynch was also present.

A Certificate of Appreciation for saving the life of a fellow town employee was presented to Firefighter Raymond Kydd and asked Fire Chief Parow give a Certificate to William Jamer, who was not present at the meeting. Mr. Blomgren said we want to recognize those who provide public service. He asked Vice Chairman Joyce to read a letter received from Debra Shanahan praising the work of Firefighters William Cady, Edward Nolet and Officer Jared Finnegan, who helped both her parents last Friday when her father suffered a heart attack and they went to the West Fire Station. Ms. Shanahan said she fully endorses full time staffing for the West Station. Chief Parow said this indicates the importance of early intervention and that we have received two defibrillators, which went in the trucks today. We will send letters of commendation to the three men.

The Board then received an update on plans for the 4th of July activities from Walter Hedlund, CH Town Celebrations Committee. He asked the BOS to march in the parade and the Chairman to give a greeting from the Town at the reviewing stand. He also asked the public to not place their chairs on North Road until after the Band Concert at 9:00 p.m. Sunday night.

Mr. Hedlund thanked Steve Chinetti and Paul Sullivan from the Lions Club, and his committee members Dave Marderosian, Jim Gifford and Jeff Stallard.

Mr. Joyce asked the press and Cable 43 to make note about not placing the chairs on North Road.

Bob Murray from the Chelmsford Elks said that Walter Hedlund has been voted the Elks' Citizen of the Year and the Grand Marshall in the Parade and said that next year the Elks will have monthly drawing to help fund the parade.

Jim Gifford told the BOS about the Drum & Bugle Corps Competition on Sunday, July 3rd with 11 different drum corps. Mr. Gifford thanked his committee and asked a Board member to come to the show to welcome people on behalf of the Town.

John Guilmette, 30 Ledge Road, came before the Board to protest a bid that his company Guilmette Construction submitted for the use of his gradall. He submitted a bid of \$54.75 per hour and the other bidder Gillette Construction Co. submitted a bid of \$57.50 per hour. However, Mr. Guilmette's bid bond fell about \$85. short because he based his bid on 725 hours rather than the 750 hours specified. Mr. Guilmette said that when he assumed he was the low bidder he went out and spent \$2200 to repair his machine. Mr. Pearson told him on June 23 that his bid had been contested by the other contractor and when Mr. Pearson reviewed his bid he found that the bond amount was short,

which makes Mr. Guilmette unqualified as the responsible low bidder. Mr. Lynch said you could throw the bid out and rebid the project - that we have used Mr. Gillette from No. Brookfield for 15 - 20 years. Mr. Brem asked if the bid was awarded through Chapter 30B and when told yes, he said that his bid was rejected for not enough bid bond and he has been determined as non responsible. Mr. Dalton asked why wasn't he told at the time that he was \$85 short and Mr. Lynch said you can't give someone the opportunity to become the responsible bidder. Mr. Lynch added that we are rejecting both streetsweeping bids because they are too high, and the bituminous concrete bid because there was only one bidder.

John Harrington asked if the Safety Officer could look at Summer Street for streetlights - in front of Baybank, Purity's entrance and receiving entrance and two areas by the senior complex.

Dolores Blomgren, Precinct 4 Town Mtg. Rep., said to Mr. Lynch that he said at Town Mtg. that he wouldn't close any fire stations, and now you are saying that the East and West stations will be closed every other day. We have retired people, nursing homes and businesses in East and why are we always the last to get and the first to take away, and did Mr. Lynch take \$70,000 from the Fire Dept. overtime account to fund the Public Safety Director position. Mr. Lynch responded that it was not the East but the West station that was closed for a couple of years and that he had stated at Town Meeting that periodically he may have to shut down a station but never permanently closed, since there may be occasions when there is not enough manpower to cover a shift. Last week should not be the first time he has mentioned this. He didn't fund the Public Safety Director position by cutting overtime - if that were the case he would have put \$70,000 back into the Fire Dept. O.T. account. All departments are experiencing difficult times, police, fire, school etc. Mr. Lynch continued that he had to address these concerns when setting the FY95 budget - last year we had \$300,000 in Fire Dept. O.T. but by bringing on more personnel and elimination of minimum manning it was cut to \$135,000. If a station is temporarily closed you can still call 911 - all stations have access to the dispatchers.

Chief Jack Parow said that we discussed this during the development of the budget - that this has the least impact on the public. We have 12 people on 2 shifts and 13 on the other 2 shifts. If we have less than 10 men we will close a station for the 8 am - 6 pm shift on weekdays. He knows this will happen at least 2 days in August due to vacations. We are starting this procedure now so we won't have a crisis next June. He explained that there are the call boxes to the dispatcher at all the stations in case there is no one at a

station due to smoke detector inspections or training. Mr. Blomgren asked if there are any existing additional funds that could go into overtime and Mr. Lynch said he and the Chief are looking into this.

Mr. Lawlor suggested that they proceed without closing in August and see if the impact is less than anticipated. He is suggesting also that we defer any station closing even if the O.T. budget is eaten up faster - this could give Mr. Lynch and the Chief time to find a savings within the Fire Dept. budget.

The Chief said we are currently running 2 men short in the Center Station, have already made as many cutbacks as possible, the projections are not good and we need to get savings in July and August.

Mr. Brem said that if someone calls in sick we can do nothing but can a personal day be approved in advance? The answer was No, this is contractual. Mr. Brem asked if officers can be assigned as firefighters and Chief Parow said they may have been already.

Mr. Lynch stated that as of tonight he is relying on the Chief to run his department. He said we will continue to look at savings and he will report back in July or August. Mr. Lynch also said that the newspapers have misinterpreted the Chief's memo and he does not want fear running through the community - there will be no wholesale closures.

Mr. Blomgren said that BOS members had a briefing with the Chief on Friday and Chief Parow said there was no connection between the Town Manager being out of Town and his "dropping the bomb".

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the meeting of May 16, 1994.

Motion by Mr. Joyce, seconded by Mr. Brem, unan. to approve the minutes of June 6, 1994, Reg. and Exec. Sessions.

Catherine Frazer, Right of Way Agent and Gordon Watkins, Engineer, both from Nynex, were present with 13 pole petitions. There was no one available from Mass. Electric to attend the meeting. Ms. Frazer said that the majority of the petitions deal with the South Chelmsford section since service in this area has deteriorated and we require upgrading of services. She noted that a number of abutters have called with questions.

Mr. Blomgren opened the Public Hearings for all the petitions which were all joint petitions with Nynex and Mass. Electric except as noted:

1. Freeman Road, place 1 pole
2. Acton Road, place 1 pole
3. Byam Road, place 1 pole

4. Barton Hill Road, place 1 pole
5. Brush Hill Road, questions by abutter Mrs. Wadja, Mr. Watkins will meet with her and petition will be held for vote until July 18th.
6. Byam Road, place 1 pole
7. Byam Road, place 1 pole
8. Robin Hill Road, questions by James Lane, 69 Byam Road, Mr. Watkins will also meet with him
9. Burning Tree Lane, place 395 feet of conduit underground (Nynex petition alone)
10. Burning Tree Lane, place 3 poles
DeWolfe Drive, place 1 pole, remove 1 pole
11. Pine Hill Avenue, questions by Walter Chagnon, 3 Pine Hill, Mr. Watkins will determine where sewer system is going and contact him
12. Summer Street, questions by abutters Mary and Jeff Cleven 31 Billerica Road. Nynex will consider other options and meet with the Clevens and present alternatives at July 18th meeting. Mr. Blomgren asked to have a representative of Mass. Electric at the next meeting.
13. Elizabeth Drive, place 2290 feet of conduit underground (Nynex petition alone)

Petitions #5, Brush Hill Road and #12, Summer Street, will be held until July 18th.

Motion by Mr. Joyce, seconded by Mr. Brem for discussion, to approve the remaining 11 petitions. Mr. Brem wanted assurance that any pole will be placed at least 3' off the pavement and Ms. Frazer said they all would be except petition #861 which is only 1' off so they don't have to put an anchor on private property. Mr. Watkins will have a plan made up of what is going on in this area and said that most of the jobs can go ahead with these approvals - they are placing 35 poles in the area, 9 new and 26 replacements, and are placing 35 anchors.

Vote on Mr. Joyce's motion to approve was unanimously in favor.

Attorney Roger DuPont, representing Hong & Kong Restaurant, was present requesting: 1. a change in manager from Priscilla Ng Lim to Joseph Eng; and 2. pledge of all shares of stock, Common Victualer and All Alcoholic license to refinance the outstanding mortgage. Mr. Lawlor told him that in the event a second party takes possession though foreclosures, etc. it is the policy of the BOS to hold a new hearing for the license and manager. Mr. DuPont said he hopes that will not happen and added that all their employees have gone through a TIPS course.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the change in manager to Joseph Eng and the pledge of stock and licenses to U. S. Trust.

No one was present from Cafe Aroma and Mr. Blomgren said this

will be tabled until the July 18th meeting. Mr. Allen will be re-notified.

Attorney James Flood was present with more info on the Entertainment licenses requested by The Princeton. There are 225 parking spaces and they are seeking a capacity of 620 persons, although the Bldg. Inspector has indicated 658 people as a maximum. Mr. Flood explained in his letter that the type of entertainment and number of persons will depend on the function taking place. Mr. Joyce asked if the maximum number of occupants can be shown on the license and Mr. Lawlor said it shouldn't be but we can reference the letter of June 22, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the weekday and Sunday entertainment licenses for the Princeton subject to the restrictions placed in Attorney Flood's letter to the Board dated June 22, 1994.

The Board then met with the Library Building Committee. Chairman Maggie Marshall introduced Linda Warren, Chairman of the Library Trustees, who gave an update on what they have been doing. Ms. Warren said we have demonstrated a need for a new library and formed a Building Committee last Fall, comprised of 7 members at large and the Trustees. They wrote an RFP for architectural design and had 23 applicants. They chose 9 to be interviewed and 3 for further interviews. They have chosen Stubbins Associates of Cambridge who will ask for community input and input from the Trustees before the final design is ready for public viewing on November 5th. Ms. Marshall noted that they design elegant yet affordable buildings.

Mr. Blomgren said he sat in on the Stubbins interview and was impressed with the time and effort expended by the people involved.

Ms. Marshall said there is a new round of State Aid for libraries. She added that the committee has broken into teams, the most important of which is finance and publicity. Mr. Joyce said that the new Town Directory will have a picture of the Adams Library on the cover.

Jack Collins, General Manager of the Radisson Heritage Hotel, came before the Board to update members on changes at the hotel.

He said that the old lounge had no exposure to the lobby and they now have a lobby, conversational lounge. They are turning one of the small function rooms into a sports room, with a pool table and darts.

Mr. Collins said his group purchased the hotel in December, 1992, that he lives in the hotel and wants to be part of the community. He hopes the Town is proud of the hotel. The ADA expenses are ongoing and a part of their budget - they want a building everyone can use and be proud of.

Mr. Brem noted that their highway signage on Rtes. 3 and 495 will generate a lot of business. Mr. Collins said that it is

\$10,000 per sign and that they are going in with Howard Johnson's on them.

Mr. Joyce commented that their improvements are very noticeable.

Mr. Brem asked if they still have a problem with Mr. Finnereal and was told No, the concern was parking that they might need but now do not.

Mr. Blomgren said that Ralph Hickey of the Commission on Disabilities has helped the Library Needs Committee do an excellent job with ADA compliance issues. Mr. Lawlor asked that we send a letter to Mr. Collins thanking him for coming and suggesting that he ask Mr. Hickey about ADA compliance issues.

Ralph Hickey who was present said that the hotel has completed some items but we will ask for major renovations in FY95 and 96.

Under Reports, Mr. Joyce said that the quote he takes credit for - that \$70,000 was taken from the Public Safety Department budget and then \$70,000 went to the School Dept. - there certainly were deletions from both Police and Fire budgets to fund the Public Safety Director position. We had a 3% decrease in the Public Safety budget.

Mr. Lynch said these figures were based on numbers he felt were needed to provide a certain level of staffing. Overtime is extremely difficult to budget, but with the end of minimum manning and employing more personnel we put an overtime figure of \$150-\$160,000. This overtime amount was not cut back to fund public safety.

Mr. Joyce added that people are generally concerned about staffing of the police and fire stations and we need to be sensitive to these needs. Mr. Lynch told him that the budget has to be balanced, and also a balance of needs and services. Mr. Joyce continued that if stations are closed, the insurance underwriters will find out and our insurance rates will go up.

Mr. Dalton asked about streetlights on New Spaulding Street and Marian Currier, Asst. to the Town Manager, said that no pole has been removed or light moved, and the street was to be upgraded. He asked about Pine Hill Avenue and Ms. Currier said that a Work Order has been cut.

Mr. Dalton said that Sunny Avila still wants to meet with the Town Manager re his drainage problem on Old Westford Road, his property is still getting flooded. Mr. Avila says he has an agreement that the Town will maintain it. Mr. Dalton and Mr. Lynch will meet with Mr. Avila.

Mr. Brem reported that he and the Town Manager had met with Nynex re the Rte. 110 pole suppressions and they will submit a report. Mass. Electric has submitted a report but it is not complete and they will do a study of the whole Center area which we want to bring to Town Meeting this fall. We want to do an underground conduit system which would improve service

since there are no outages underground. None of this will affect the tax base because the biggest users are businesses who will pay their share. Our rates would go up by 2% maximum. We hope to have a more complete report on July 18th.

Mr. Blomgren said that Mr. Brem is a director of the **Middlesex County Selectmen's Association**. Mr. Brem said they meet 4 times a year and at their last meeting they had invited Selectmen, Town Managers and others.

Captain Sullivan, **Hanscom Air Force Base**, gave an excellent presentation on the impact of the base closing on Chelmsford and other local communities.

Ned Corcoran and Kevin Sullivan of the Mass. Highway Dept. spoke on **Route 3**, giving the history of the roadway, the problem with "Iced Tea Legislation" and they spoke of other means of funding and presented a schedule and outline of plans for the roadway.

Mr. Brem said as a Board of Selectmen we need to stay on top of both issues and need a groundswell of support.

Mr. Blomgren stated that Dick DeFreitas spoke for the Town and had offered an area to obtain signatures to stop the base closing. The Town Manager will contact Mark Provost tomorrow.

Mr. Joyce reported that he, Mr. Blomgren and Mr. Lynch met with the **Lowell City Manager** to discuss the impact of the proposed **Arena** and the traffic problems it would create. Mr. Lynch asked if Lowell could service an Arena or would they depend on Mutual Aid. He said our support is not enthusiastic but we will look at the proposal.

Mr. Lynch reported on **Vinal Square traffic improvements**. DPW Director Jim Pearson said that the project is slated for construction when the transportation bond issue is settled and the state will waive the No Parking issue.

Mr. Lawlor reported that the **Charter Review subcommittee** has concluded their public meetings and will have a written report by the July 18th meeting covering all areas and including a minority report.

Mr. Lynch explained the vote on **Temporary Borrowing for Water Abatement Trust** - this is a project with the state to assist with funding for the sewer project.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. that a 1.7mil bond be sold.

Mr. Joyce commented that Chelmsford is one of the first communities to qualify for this project.

Under **New Business**, Mr. Brem asked Mr. Lynch if all department heads have presented their long term plans and he said No. Mr. Brem asked if we can have copies of all plans for all BOS members by July 18th.

Mr. Brem asked Mr. Lynch to do an analysis of other Communities budgets and put together a spread sheet comparing tax rates, budgets, population and region - how the average residential tax bill compares the tax rate and how do we rate.

Mr. Blomgren said that the Draycoach Drive sign is gone again and we need to find a better way to affix signs to poles. He said that Brook St. and Rivermeadow are also missing. Mr. Dalton said that signs on Buckman, Scott and Diane were knocked down during sewer construction and will be replaced.

Under Policies, Mr. Brem said he is re-submitting his Support the Private Business Community as a new policy to be voted on July 18th. He said that his Open Space policy was written because we are losing our few areas of buffers that we have left. Mr. Lynch suggested that we appoint the Conservation Commission, with input from the Land Conservation Trust and the Planning Board, if they wish to be represented.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve Mr. Brem's policy on Open Space.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve Mr. Brem's policy on Trails.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve Mr. Brem's policy to maintain, preserve and enhance our historical, cultural, natural and technological resources.

Mr. Blomgren turned the chair over to Mr. Joyce to present his policy on polling hours - that they be open from 7 am - 8 pm for town elections at a cost of app. \$2,000. He would amend to 8 am - 8 pm.

Motion by Mr. Blomgren, seconded by Mr. Dalton, who said he thinks we should try it even though the Town Clerk indicates otherwise. Mr. Lawlor said that we have to set the hours for every election anyway so a policy is not necessary. Mr. Brem said that the Town Clerk's data is complete and she stated no difference in the turnout with longer hours, so why spend the \$2,000. Vote on Mr. Blomgren's motion was 2 in favor (RAB and WFD), 3 opposed. Motion failed.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to re-appoint Republican Richard Burt to the Board of Registrars for a 3-year term.

Chairman Blomgren then made the following BOS liaison appointments:

LRTA - Planning Board member James Good;

Selectman Joyce: Planning Board, Finance Committee, Sewer Commission and Charter Review Commission.

Selectman Dalton: Board of Library Trustees, Cemetery Commission, Board of Health and Policy Review Committee.

Selectman Brem: NMCOCG, School Committee, Middlesex County Selectman's Association, Center School Building Committee, Focus on Route 3 group, Economic Development Partnership and Policy Review Committee.
Selectman Lawlor: Traffic and Safety Committee; Charter Review Commission.

Selectmen Blomgren - Middlesex County Advisory Board, Library Building Committee, Town Counsel, the Water Districts and the Cable Commission.

Mr. Lawlor said he is disappointed not to be re-appointed as the LRTA rep, that he enjoyed this board and thought he did a good job for the Town. He wishes Jim Good well in his job as rep.

Mr. Lynch said he will make the annual appointments in July. Mr. Blomgren said they will delay the Town Counsel appointment until July.

Under Contract Awards Mr. Lynch said that the Library \$50,000 design contract was awarded to Stubbins Associates of Cambridge. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Mr. Lynch said that the contract for re-insurance was awarded to New England Trust Insurance Services for \$68,942. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

The contract for sidewalk construction on Davis and Crooked Spring Roads was awarded to Brox Industries of Dracut in the amount of \$207,201. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Gradall Rental - since the bid was disputed motion by Mr. Lawlor, seconded by Mr. Brem, unan. to reject it.

Crack Sealing - contract awarded to Superior Sealcoat. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Basin Cleaning - contract awarded to Sam's Catch Basin Cleaning Co. for \$5.25 per basin. Motion by Mr. Joyce, seconded by Mr. Dalton, to approve. Vote was 4 in favor, 1 opposed (JAB - only 1 bid received).

Mr. Lynch said the contracts for Highway Dept. heavy equipment rental were awarded to Kohl Contracting for a tractor at \$50. per hour. Other bids were awarded to Drum Hill Construction Corp. for : Excavator, \$79.25 per

hour; Dozer D8, \$94 per hour; Dozer D6 \$72 per hour; Roller \$49.48 per hour; Loader, \$87 per hour; 10-wheel truck \$40. per hour; and 18-wheel truck \$52. per hour.

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve these awards. Vote was 4 in favor, 1 opposed (Mr. Brem, since he feels we need multiple bids).

Traffic Markings - contract awarded to **Markings, Inc.**, for various prices for different markings. Motion by Mr. Joyce, seconded by Mr. Dalton, to approve. Vote was 4 in favor, 1 opposed (Mr. Brem because only 1 bid was received).

Crushed Stone/Gravel - contract awarded to **Middlesex Corp. and Drum Hill Construction**, each low bidder for various sizes. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve these awards.

At 10:50 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to go into Executive Session to discuss collective bargaining. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; and RAB-Aye. Mr. Blomgren said they would not be returning to Open Session.

For the Board of Selectmen, by

Judith C. Carter

Town Clerk

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Regular meeting of the Board of Selectmen held Monday, July 18, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:05 p.m.

Mr. Blomgren re-read the letter from Debra Shanahan to Fire Chief Parow dated June 24 commending firefighters William Cady and Ed Nolet and Police Officer Jared Finnegan for saving her father's life when he had a heart attack and went to the West Fire Station for help. Firefighter Nolet accepted his Certificate of Appreciation and the others will be sent theirs.

Betty McCarthy, Library Trustee, told the BOS that on November 6 there will be an Art Exhibit and the conceptual design of the expanded library will be shown. The Trustees are planning to serve a champagne punch and will have a liability policy for this event. She invited all BOS members to attend. Mr. Blomgren said we will have Town Counsel review this policy.

Paul Logan, Vice President of the Commission on Disabilities and 5 other members of his committee were present asking the Town to approve the policy stating that new or transferred Common Victualer licenses should not be approved by the BOS unless they have ADA approval. They have taken renewals of licenses out of the policy, stating that they only have to have proper signage for Handicapped Parking. Mr. Lawlor asked Mr. Logan to trace the history of the policy, and Mr. Logan said that the original policy applied to all Common Victualer licenses but they have removed current licensees from the main body of the policy and are only requesting that over a matter of time they do proper signage and parking. Mr. Lynch noted that the Town of Dennis was a pioneer in this type of policy but they only did new licenses.

When asked what an exception would be Mr. Logan said that bathrooms and ramps would be, but a \$400 curb cut would not be unreasonable. The problem of enforcing the policy was discussed and Mr. Logan said that new construction should have no problem complying. The Commission is suggesting sending letters to all Common Victualer holders by September 1st telling them what to expect and that we will hold seminars on ADA, and request that by November 1st all CVL holders have parking and signage in place, and by December 1st all CVL holders must present plans of accessibility.

Attorney Doug Hausler spoke as a member of the Board of Directors for the Chelmsford Business Association, stating that they feel there are sufficient laws and information on ADA in effect and the CBA supports the common goal of the Act

to make places of business accessible. The CSA feels there are 4 reasons why we need no more regulations: 1. from the legal perspective there are sufficient laws and regulations; 2. the Town may be prohibited by attempting to modify fundamental federal regulations and should ask Town Counsel about this; 3. existing laws already regulate existing buildings and new construction has more strict regulations so there is no need for additional local rules; and 4. no need right now for local intervention. Educate before you regulate - the Commission is already monitoring compliance.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to take the vote on this policy out of order. It was asked do renewals have to be in compliance by December 1st and the answer is No, they only have to complete a plan by December 1st or the BOS shouldn't renew their license.

Mr. Logan said that the ADA is in place now and anyone could sue a CVL holder not in compliance. We have done training courses and several should be in compliance now. By the BOS adopting this policy it will make the federal law more enforceable.

Mr. Joyce said he has some problems with asking the business community to adhere to a policy that the Town hasn't adopted or is in compliance with. Mr. Logan said the Town has become very accessible over the past two years but the businesses have not been so cooperative. Mr. Brem commented that on renewal licenses often the license holder is not the same as the landlord, and Mr. Logan said that each is 50% responsible.

Mr. Lynch commented that the Town of Dennis was mostly new or transferable and the Commission on Disabilities provides latitude for phased in accessibility. Renewal present a different set of issues. Mr. Brem added that we are constantly reviewing policies at our meetings.

Mr. Lawlor said that this is the law and this is what we have to do. We're adding teeth to a law that already exists, and this is a gentle way of doing this.

Motion by Mr. Lawlor that the BOS accept the CVL-ADA policy as presented by the Commission with the following amendment: take out the end of the first paragraph and add not later than December 1, 1994 and each December 1st thereafter, seconded by Mr. Brem, unan.

Former Selectman Richard DeFreitas addressed the Board, saying that he and former Selectman William Logan were invited to participate in the Town Manager evaluation process. He met with Mr. Blomgren Friday evening and he will give him the evaluation form. Mr. DeFreitas said when he was Chairman he had weekly meetings with the Town Manager, spoke with the members on a regular basis, and resolved most differences before a meeting to show strength and stability in Town. Mr. DeFreitas continued that you have to separate politics when reviewing the Town Manager, and he feels he is

an excellent manager, not afraid of new ideas, has managed the Town's funds well and gives a feeling of stability. Differences were resolved so the Town of Chelmsford did not appear unstable.

Dennis McHugh, Town Moderator, said that in addition to the administrative part of the evaluation there is a legislative part - Mr. Lynch has assembled the warrant in a cooperative way. In preparing Town Meeting members his presentations show comprehension and he conducts business in a way that is fluid and stable. His perception of Mr. Lynch's credibility and work ethic is excellent and he offers his support.

Judy Mallette, School Committee member, said she is speaking as an individual and that Mr. Lynch sat in on the School Committee's negotiating sessions. He represented the viewpoint of the community and also took into account the educational aspects. This relationship is unique - not many Town Managers and School Committees have as good a mesh. Other Boards have told her that he is always accessible and gives good advice.

Chairman Blomgren said on August 8 the BOS will take the Town Manager's input and will do the total evaluation on August 15, which will give the BOS time to digest his input. This presentation will not be made until at least 9:30 tonight.

Angie Paleologos, a barber in North Chelmsford, was present to tell the BOS that he has a small barberpole in front of his shop which he keeps revolving to let people know when he is open. Mr. Dalton said that we do have a Sign by-law that does not allow revolving signs and Mr. Lynch told Mr. Paleologos that he can go to the Board of Appeals if the Sign Advisory Committee denies him a permit. Mr. Joyce asked that the Town Manager either send him a follow-up letter outlining procedures, or meet with him.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the issuance of 3 1-day Beer & Wine Licenses and 1 1-day All Alcoholic license to St. Vartanantz Church.

Bill Logan, Chairman of the Traffic and Safety Committee, met with the BOS updating them on various issues:

1. Delayed left turn onto Stedman Street from Route 110: motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve this request.
2. Left hand turn request - Technology Drive at North Road. A lighting request is on hold and we need a left hand turn lane, which will avoid rear end collisions. This was talked about in 1986-87 and the State is aware of our concerns. This is a short term remedy and the State will paint turning lines as it is a State Road. DPW Director

Jim Pearson said this is a now a 4-lane highway but will become one-lane with a turning intersection in the middle Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this request.

Mr. Logan reported that construction was started today on sidewalks on Davis Road, Locke Road and Graniteville Road, all in the school complex area. Mr. Joyce asked the T & S Committee to send a letter to the Planning Board stating that the Committee supports putting sidewalks in subdivisions. Mr. Logan said that both Jim Good and Jim Pearson are vocal in this area. They are requesting a corner clearance by-law on the October ATM Warrant.

On the Vinal Square project, a study committee was formed 2 years ago and they have seen 70% of their recommended improvements completed. Lights and signalization are waiting for state monies, and we have now formed a Final Central Square Study Committee.

Mr. Lawlor asked about Parkhurst Road and North Road and Mr. Logan agreed that it's a mess, that a NMAC study done in 1985 and again in 1987 said that if we signalize Parkhurst that we would have to do Davis, and the same thing at the two Dalton Roads. Jim Pearson pointed out that most of North Road is Town-owned.

Gordon Watkins and staff members from New England Telephone and Bill McBride and staff from Mass. Electric were present to discuss outages in South Chelmsford and the Byam School area. Mr. McBride showed plans of the area that is presently served by a transformer at the end of Acton Road and said that the new transformer area is to be served by 2 step-down banks and they are going to need 2 or 3 more poles on Robin Hill. This is a load growth situation. Once the Nynex poles are in they will convert the Acton Rod area from 4,000 volts to 13,000 volts.

Bob Johnson, area supervisor said this is a load growth and very heavily treed area and showed the present wire and the new tree wire, based on new technology.

Mr. Watkins said they are making the poles sturdier so they can carry a larger load. Mr. Blomgren asked if they will be working in other areas and Mass. Electric said they really haven't had that many outages. They have had minor outages - on June 18 a fuse blew on Acton Road, on June 19 they had a major line problem and on June 20 a fuse blew on a step down transformer.

Mr. Blomgren said he hopes they will take the same active steps in other areas, and asked residents to let us know of other any other problem areas. Mr. Joyce added that Mr. Johnson has been very helpful to the Town with Little League Fields and Christmas lighting. Mr. Watkins concluded that there will be approximately 30 poles in the area to be replaced with new heavier class poles.

Pole petitions tabled at the last meeting were then discussed.

Brush Hill Road: Mr. Watkins has met with Mrs. Wadja and we're submitting an additional pole. The petition is being drawn up now.

Motion by Mr. Brem, seconded by Mr. Dalton, unan. to table this until we receive a new petition.

Summer Street: we don't have the facilities on Boston Road to put Summer Street. We will put fiber optic cable on Boston Road, which is an 18 - 24 month project. We have cable facilities on the Billerica Road plan to place conduit underground rather than poles on Summer Street. We have two alternatives: the poles vs. \$25,000 for conduit on Summer Street. We can set 3 poles for \$1600 - if the Town wants the conduit you will have to pay for it.

Mr. Joyce asked about coming from Warren Avenue down Turnpike Road. Nynex Engineer Pam Abdinoor said we can't put another piece of cable in Central Square and Mr. Watkins said that Summer Street is considered an aerial feed. The purpose of this request is solely for telephone service.

Motion by Mr. Lawlor to approve the request of Nynex to place 3 poles on Summer Street as requested. There was no second to the motion.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to deny the request. Mr. Watkins said if they deny the request we will have to delay phone service in the Boston Road area. Vote was 4 in favor to deny, 1 opposed (PVL).

Boston Road: request to place 3 new poles - stub poles for anchoring, two on one side of the brook, one on the other. Mr. Brem said that we're getting topo maps for them. Mr. Watkins said the existing pole line is on the other side of the street. Mr. Joyce asked if they are limited by Conservation purposes and Mr. Watkins said Yes and would be a minimum of 3 feet off the edge of the pavement.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve subject to compliance with all the Conservation Commission restrictions.

Turnpike Road: request for one pole. Mr. Joyce said that we want to see the existing poles on maps that they bring in from now on.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the placement of one pole on Turnpike Road.

Attorney Charles Perkins then addressed the BOS on behalf of Bainbridge's at The Mill. Chairman Blomgren stepped down from the chair due to a possible conflict of interest since Attorney Perkins is representing him and Vice Chairman Joyce took over. Mr. Perkins told the BOS that he is asking approval of two minor changes in the corporation: a minor

stock transfer of 150 shares and a new Board of Directors. Mr. Dalton noted that the number of shares does not add up and Mr. Perkins said that not all shares are issued. The Commission on Disabilities has noted that Bainbridge's is completely accessible. Motion by Mr. Lawlor., seconded by Mr. Brem, to approve the transfer of stock and change in directors. Vote was 4 in favor, 1 abstention (RAB). Mr. Blomgren took back the chair.

James V. Silva was present requesting a hearing for a Class II Auto Dealer's license to be exercised on the premises at 160 Middlesex Street to be known as Silva's Garage and Auto Sales. We have a favorable report from the Police Chief and the Bldg. Insp. has recommended a maximum of 20 vehicles. Mr. Silva said he will be servicing vehicles inside and there will be no added illumination - this is basically a daytime operation.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a Class II Auto Dealer's license for Silva's Garage & Auto Sales at 160 Middlesex Street with a limit of 20 vehicles, no servicing of vehicles to be done other than inside the garage and no junk cars.

David Allen, owner and manager of Cafe Aroma, was present asking the Board for additional hours of operation and additional seating capacity. Mr. Joyce asked is he still handicapped accessible and Mr. Allen said he is. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to amend the Common Victualer's license for Cafe Aroma to hours of operation from 6 am - 11 pm and seating increased to 19 seats.

The Camden Place Conservation Restriction is tabled until the August 15th meeting.

Town Manager Bernard Lynch then reviewed his goals for FY94, noting that he has given the BOS two memos - one on FY94 and one on FY95 goals. He said his initiatives go beyond general administrative business, and credit belongs to employees, staff and volunteers.

He went over his January, 1994 list of initiatives, noting that department heads have added to their five year plans and we need to look at resources and alternative organizational structures. The plans should have usefulness over the next several years.

Public Safety Restructuring and Staffing - we lost many senior personnel and we now have more streamlining and improved communications. There are new recruits in both departments and many more EMT's. There are resuscitators in all the cruisers and a new ambulance service. Medical service is the most crucial emergency service to the Town. We did re-open the West Fire Station during FY94, but a

shortage of funds has caused changes on day to day basis. We have taken steps to insure coverage - Trinity will be stationing an ambulance at any closed station. We are also still working towards centralized dispatch.

Restructuring the Assessors Division - this has been completed and we are now doing more in-house assessing.

FY95 Budget - we currently have a balanced budget but now we have less Cherry Sheet monies and some decreased revenues. We need more time to analyze this information and hope to have a firm handle on it by the end of August.

Community Service Council - our goal is to get groups talking and more coordination of services.

Centralized Community Development - we have a new Land Use Coordinator and need to improve the permitting process.

Comprehensive Annual Financial Reports - this CAFR project is not required and has been placed on Hold.

New Library Facility - are exploring sources for funding and preparing strategy.

Total Quality Management (TQM) - this program has not yet been implemented but we are looking at training for customer relations.

Reporting Improvements - we have monthly department head reports and are implementing a weekly high-lite sheet.

Prior Year Initiatives - Computerization is ongoing and the new financial management, Labor Contracts - Police and Fire are settled. All contracts run out in June, 1995 and we will begin negotiations in January.

Mr. Lynch then went over his **Planned Initiatives for FY95.**

He again told the BOS his four goals: increased professionalism, local government credibility, fiscal stability and operational efficiency.

Professionalism: we don't need to lose the small town friendly atmosphere but need more professionalism which is being achieved by assembling highly qualified individuals as staff members and department heads.

Credibility: there is a gap in this area. It is his goal to work to enhance the image of local government. We are not getting enough information out or in.

Fiscal Stability: circumstances have improved for many of us and the planning work done along the way has resulted in a balanced budget. We are looking at a right sizing philosophy while realizing our financial limitations.

Operational Efficiency: looking for the cheapest, most creative form of Town government.

Major Initiatives for FY95:

Enhance Citizen Relations: we have discussed this at Department Head meetings and feel we need to give out and get out more information and facts.

Budget Plan: document to include financial forecasts, a capital plan, recommended financial policies, recommended organizational changes and analyses of service demands compared to costs.

Central Square: he plans to appoint a working group to develop a comprehensive plan for traffic, parking, aesthetics and lack of economic growth.

Community Services: established council with representation from Recreation, Library, Cultural Council, Elder Services, CATV and Historic Commission. They will be coordinating a series of programs, community events and a community newsletter.

Other Initiatives: Labor Negotiations - all contracts expire June 30, 1995. Will be analyzing the current contracts over the next several months.

CATV Contract - negotiations will be occurring in FY95 to do new contract by Sept. 1995 when the current contract expires.

Economic Development: we are marketing the community to bring in new business - we need to be more pro-active.

Library Expansion: preliminary plans to be completed by mid-August and funding will be sought from state, federal and private areas.

FY96 Budget: challenge will be to maintain fiscal stability and also comply with the Education Reform Law. Budget will be presented in February, 1995.

Continuation of Prior Efforts: public safety function should continue making progress in implementing central dispatch, rework our procedures, review our medical response and assess our facility needs; computerization efforts are continuing and tax billing and payroll will be brought in house; our improved community development capacity should be built upon to improve communications and coordination of our permitting and land use function; continue to build a modern personnel system.

Mr. Lynch concluded that he is looking for input from the BOS and Mr. Brem said that we've been receiving his input tonight and the BOS will give replies on August 15th.

Under Policies, motion by Mr. Joyce, seconded by Mr. Dalton, to approve Mr. Brem's policy on Support for the Private

Business Community.

Under **Appointments** Mr. Lynch read the list of vacancies and Mr. Blomgren asked him to pull Labor Relations Counsel from the list.

Mr. Joyce asked him to consider appointing a BOS member to the Capital Planning and Emergency Management Committees. Motion by Mr. Joyce, seconded by Mr. Dalton. unan. to approve the list of appointments with the exception of Labor Relations Counsel.

Mr. Blomgren said that we need to appoint a BOS member to the **Planning Board's Master Plan Review Committee**. Motion by Mr. Dalton, seconded by Mr. Lawlor, unan. to appoint Mr. Joyce to this Committee.

Under **Contract Awards** Mr. Lynch said that he is awarding all the bids for Highway Dept. materials as submitted by the DPW Director - all were low bidders. Town Counsel has advised that we re-bid the gradall. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve all bid awards for Highway Dept. materials.

Under **Reports**, Mr. Joyce said he has issue with the Employee Assistance Program and wants to know the number of participants. Mr. Lynch will get the materials to him.

Mr. Joyce reported that the **Plumbing Inspector** is running 4 to 6 weeks behind and people are waiting to tie into the sewer system. Mr. Lynch said we had a problem a while back but didn't know it was happening again. He will look into this.

Mr. Dalton asked about the **Avila problem** and Mr. Lynch told him we're having a staff meeting.

Mr. Brem reported that he and Mr. Lynch have met with Mass. Electric to discuss the depression of poles along Route 110 and Central Square and they will have revised plans by the end of the summer.

Mr. Brem reported that on long-term planning, we are getting input from all departments and he is asking for BOS members to put together their goals.

Mr. Brem said that the **Middlesex County Advisory Board** is asking all Boards to write to their state senators and reps. re the Section 120 that was deleted from the budget that went to the governor.

Mr. Lynch said he is meeting with the Fire union to discuss their concerns over ambulances being stationed at closed Fire Stations.

Mr. Blomgren asked about the FY95 budget from the School Committee. He also asked about the Route 4 signage at Chelmsford/Billerica and the Route 110 signs at Chelmsford/Westford.

Re Henry Emmett's concerns, Mr. Lynch has spoken to him and told him that the DPW is working on Burning Tree Lane.

We will advertise that the deadline for Town Meeting warrant articles will be Monday, August 8th.

Mr. Brem thanked BOS members for participating in the Dunking Booth at the 4th of July Fair, and said that Rotary also thanks all participants.

Under New Business Mr. Blomgren said that a resident from East Chelmsford asked about the streetlights on Shedd Lane and asked that we get a commitment from Mass. Electric. He said that in front of #6 the street is breaking down badly and the bond has been released. Mr. Lynch will ask DPW Director Jim Pearson to look into this.
Motion by Mr. Blomgren, seconded by Mr. Lawlor, to ask Town Counsel for an opinion as to whether we have a strong or weak chief in the Fire Dept. Vote was 4 in favor, 1 abstention (Mr. Dalton).

Mr. Blomgren asked that we have Town Counsel Harrington in for a Work Session and asked for BOS for input for his evaluation.

At 10:40 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Jack E. Carter

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Work Session of the Board of Selectmen held Monday, August 8, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present

Chairman Blomgren gave an overview of the meeting, listing the topics to be discussed and stating that we hope to end by 9:30 p.m.

At 7:10 p.m. Mr. Blomgren asked Planning Board member Jim Creegan to join the BOS in discussing the Town's future. Mr. Blomgren said that he and Mr. Joyce went to the Planning Board a month ago to see what areas the Planning Board is working on.

Mr. Brem said that the BOS was brainstorming, discussing school issues, number of children, new housing vs. the school budget crisis. We know that the Planning Board has formed a Master Plan Review Committee and Mr. Brem asked how could the BOS help the Planning Board.

Mr. Creegan answered that the April Town Meeting made demands on zoning changes for elderly housing units which were not passed but he feels there is nothing wrong with an applicant who comes to the Planning Board with a marketing need.

The last Master Plan was revised in 1985 and needs to be looked at again, not necessarily updated but the committee is going to review the Master Plan. The Planning Board has given \$600 to the committee to have the present plan copied for all members. They hope to have more credible changes, the age of the Town is changing and people have interests other than their homes. We could have saved the Town money had we bought the Graniteville Estates area, considering taxes gained vs. the cost of education with 23 homes and 2 - 3 children per home. We need to preserve our agricultural land.

Mr. Creegan continued that we are a changing Town, with more marginal land and more buildable land, that a 15,000 sq. ft. lot is potentially a building lot. Mr. Creegan does not know the number of these lots.

Mr. Brem asked if we have a town-wide plan so that we could be pro-active again on some of these issues and Mr. Creegan said that sometimes a market finds a need before a public board can, that a plan may not be a realistic goal.

Mr. Blomgren said that if we see a big development with a lot of kids it is going to take a lot to educate them and there should be an impact statement to alert us to these needs.

Mr. Lawlor said that the Planning Board has the experience and capacity to lead us and asked what sort of changes should be seeing here in Town. The Planning Board is best suited to see the needs and what can we do to help - their budget of \$600 is only enough for photocopying, and we will help do more if needed.

Mr. Creegan said he is only an observer for the Planning Board and will have the 14-member committee review the Master

Plan.

Mr. Lawlor said that the Mill Road project would have had a substantive impact, and he wants the Planning Board to be armed with as many tools as it takes to guide the Town. Mr. Brem said that we wanted to express our ideas to the Planning Board and create a bridge between the BOS, Planning Board and School Committee.

Mr. Creegan said that these expectations are fair - the Master Plan Review Committee will take time, maybe a year, but they will give a full report to the Planning Board and you must understand the restrictions and rights of every property owner. They will mail a copy of the current Master Plan to the 14 committee members and at the end will either say that minor changes have to be made, or that the whole plan should be redone. The first meeting will be in September, and Mr. Creegan added that they now send every application to the School Committee. Mr. Brem asked the Planning Board to check with the EOCD re Master Plan updates, to protect our rights.

Town Manager Lynch then went over the 5 year plan, saying that he hopes to have the entire plan done by the end of October. The Capital Planning element will be the last component to be completed. The fiscal forecast element is being worked on now - we are waiting for the FY94 closeout and then will work with a number of assumptions - fixed costs debt service, employee benefits, sewer construction, based on the Consumer Price Index. We are meeting with the School Dept. to go over their numbers and projections and hope to have the fiscal forecast completed within the next 3 - 4 weeks.

The five year plan is a little different - we are asking all departments for organizational plans for the next 5 years, a continuing restructuring of Town government to provide better services. We are always looking for more effective ways to manage monies and have app. \$450,000 in our Stabilization Fund. We haven't used this fund in over 5 years to balance although we might use some funds for the Center School renovations until we receive State Aid.

Mr. Lawlor asked in any five year forecast aren't we going to have to look at things differently - personnel costs are rising faster than tax revenues. We need to bring some balance back to that and he would expect a five year plan to address this. If we have the same number of employees how can we have a net cost reduction in employee costs, and Mr. Lynch said in large part through collective bargaining but we may have to restructure to reduce costs, look into privatization and regionalization and may have to prioritize the level of services.

Mr. Lawlor asked if some departments may reduce the number of personnel required through better data processing programs and Mr. Lynch said this has happened in a few cases.

Mr. Lynch said that five years from now the shortfall may be

\$1mil in the annual budget. We are looking at a substantial amount of growth next year and can look at levels of user fees to see if we are getting full cost recovery. He expects more State Aid in the future but it will not reach the amount in five years that we had in 1990.

Mr. Lynch said he will give a briefing on fiscal forecasts and preliminary ideas of capital planning at the October Town Meeting. Mr. Lawlor asked him to take into account prospective expansion of the Sewer Dept. services and Mr. Brem wants to see how the 5 year plan ties into potential bargaining agreements and Mr. Lynch said these subjects will be addressed.

Under Long Term Planning Mr. Lynch said we are slowly receiving plans from the various departments and hope to have them all in by the end of the month. Mr. Brem stated that a five year plan is more fiscal and that a long term plan doesn't have any windows or restrictions. He said that the BOS has asked him and Mr. Lynch to put together a long term dynamic document to be used as a basis for making decisions. We have all these needs and no funds. We have passed an Open Space policy and appointed a committee and set forth a number of goals and objectives. There is more to long term planning than just financial and he asked each BOS member for their input - goals and objectives. Mr. Lynch said they hope to have a draft by the September 12th meeting and Mr. Lawlor asked him to involve the BOS with the 5 year plan, that we as architects should shape and mold.

Under Selectmen's Goals Mr. Blomgren had listed 4 timeless goals that had been sent to each BOS member and the other 16 goals that have been generated during this process. Mr. Joyce said he wants a format for preparing these items - provide the goal and objective for each item, who will be involved and has the goal been achieved. He would like to do this for the next meeting if the BOS all approves the format.

Mr. Blomgren said we are now doing the quantitative part and we will have to do the qualitative. He asked the members to look at each sheet and does it make sense.

Mr. Blomgren asked each member if he wanted to add any items to the goals.

Mr. Joyce wants to expand community policing - the Police Chief has established the Park n'Walk program but he would like to see established short term locations for sub-stations (include with Public Safety Plan). He would like to see more effective permitting and inspections, with 1-stop licensing. (include under Enhanced Citizen Relations). Mr. Joyce also said he would like to see equitable budgeting between departments on the Town side and the School side - the school should absorb 60% of any cuts that have to be made. Mr. Lynch said this is part of the 5-year plan.

Mr. Dalton said he puts the 5-year plan, permitting process and charter changes as top goals and we should act on citizen input.

Mr. Lawlor asked for enhanced sharing of interdepartmental costs between the Town and School - equipment, personnel, etc. and also intermunicipal sharing of personnel and equipment.

Mr. Brem said that under Enhanced Citizen Relations he would like to see all department heads in their offices for one specified hour per week to hear citizens complaints and input.

Mr. Blomgren said he will have the 16 goals to be force ranked in draft form for Monday.

Under Other Topics Mr. Joyce mentioned a letter in the signature folder asking for business cards to be sent to an ill child but Mr. Creegan said that this is a scam.

Mr. Blomgren said that Town Counsel's contract will be discussed at the September 12th meeting.

Mr. Lawlor said that the BOS meetings have been dragging, using pole petitions as an example. He, Mr. Lynch and Mr. Blomgren will work on this problem.

Mr. Brem said he has met with Mass. Electric and Nynex and they are discussing plans for putting utilities underground. They are each revising the scope of their plans. The Town's share will be the cost of putting fire alarms underground and putting streetlights on the utility company poles. He added that the businesses most affected have indicated informal support.

At 9:15 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to go into Executive Session for contractual purposes to discuss the Town Manager's contract. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye. The Chairman said the Board will not be returning to Open Session.

For the Board of Selectmen, by

Ed E. Carter

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TOWN OF
MARY E. ST. LAURE
TOWN CLERK

Executive Session of the Board of Selectmen held Monday, August 8, 1994 at 9:15 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Administrative Assistant Judith E. Carter was also present. The purpose of the session was to discuss the contract to be offered to the Town Manager.

Mr. Blomgren asked all members to have their evaluations completed by next Monday, or sooner.

Mr. Lawlor and Mr. Joyce have met twice to look at the existing contract and to determine an expiration date and any changes to be included in the new contract. Mr. Dalton said we shouldn't negotiate before we evaluate and Mr. Brem said he agrees.

Mr. Lawlor told the Board that he and Mr. Joyce have agreed that the contract should run with the Fiscal Year but have not agreed on the duration of the contract and the compensation. Mr. Lawlor said that he desires a contract that has a finite, definable termination date. Under the Charter now at the end of his contract he continues indefinitely. Mr. Lawlor is recommending a contract that has an identifiable beginning and ending, and would require a vote of a majority of the BOS to extend employment for a period beyond that date. This would enhance our bargaining position and doesn't go against the Charter. If he would accept this, after the expiration date of the contract he would no longer be employed by the Town unless he has at least 3 members vote to continue his employment. This would be an employment contract, not a compensation package. Mr. Blomgren said the contract will be written by Town Counsel. Mr. Lawlor said he thinks the Town Manager would only accept a contract if it conforms to his goals and he wants a 2 1/2 year contract. If he doesn't accept a contract approved by the BOS we can impose employment terms until further notice. As a matter of policy the BOS will ask Town Counsel to keep the contract on a disc so it can be updated when needed.

Mr. Blomgren said we're not looking for a major change from where we are today - we want what's right for the Town, right for the BOS and right for the employee. Mr. Brem said that so far the salary has been done annually and Mr. Dalton said it is not good for the BOS to drag this out. Mr. Brem said he agreed. Mr. Dalton suggested that the BOS meet in Executive Session next Monday night after the TM evaluation to resolve this issue but it was decided to meet on Thursday, August 18 at 7:15 p.m. for this procedure.

Mr. Blomgren said he would like a 6-month contract to get it onto a Fiscal Year basis but Mr. Brem said we have to make the offer palatable to the Town Manager and have to assume that there is a limit to what he will agree to. All agreed that a 4% increase will not be offered. Mr. Blomgren will talk to Town Counsel to ask the legality of Mr. Lawlor's proposal and also to have a draft contract for us by August 18th.

At 10:05 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Genta

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Regular meeting of the Board of Selectmen held Monday, August 15, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:05 p.m. A telephone call was received from Constance Pelchat, 22 Eldorado Drive who said she was disillusioned by the Board, that they were elected because we wanted change. She had criticism for each BOS member.

Jeffrey Stallard, 146 Tyngsboro Road, was present speaking on several items. He noted the fine work of the Town employees with the drug bust in East Chelmsford and asked the Board that if they are find guilty and are not US citizens that we ask to have them deported. He is concerned about Ex. Session information leaking to the media. He asked that the Town Manager be treated as all other Town employees. He considers the alleged discussions to recall Mr. Blomgren to be blackmail.

Mr. Stallard read a letter from Robert Riley, 15 Dartmouth Street, stating that he is appalled that threats of recall are being brought by Town Manager appointees, and is tired of having the TM run the show.

Liz Marshall, 16 Colonial Drive, spoke asking if the criteria used for evaluation be clear to the people and Mr. Blomgren said it would be.

Cheryl Warshafsky, 3 Moonbeam Avenue, said she is addressing the BOS on Mr. Lynch's evaluation, stating that she has just been through 6 months and 1 year evaluations herself and the criteria used were credibility, appearance, honesty and fiscal responsibility.

She said that when Mr. Lynch was Executive Secretary he did a great job but as the strength of the Manager's position became stronger she saw some changes. Ms. Warshafsky started to comment on incidents that occurred several years ago but Mr. Blomgren stopped her, saying that we are keeping the evaluation within the parameters of this past year.

Mr. Warshafsky continued that on the matter of the Public Safety Director the voters and taxpayers didn't want the position filled, the Town Manager did. He has to pay attention to the voters and when he doesn't, get rid of him.

Ed Cady, Town Meeting Rep. spoke to the BOS, saying that Mr. Lynch was responsible to the previous BOS, and 75% of what he does is still subject to the BOS. Mistakes reflect on the Board. He said that Mr. Lynch has given the Town Meeting Reps. great budgets and presentations, and has done a whale of a job as Town Manager.

Bonnie Towle Hahn, Pentucket Street, Lowell, spoke, saying she was surprised at the East Chelmsford drug bust, saying that it is her old neighborhood and she never knew that the house on Oak Knoll Avenue was more than one family. Mr. Lynch said we will do a full investigation on this property.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the meetings of June 13, June 24 and June 29, regular and executive and work sessions.

Under Other Business, Philip Currier, 54 Boston Road and owner of Second Hand Interesting Things appeared before the BOS requesting a yearly Auctioneer's license. Mr. Currier said that he is required by the State to have a State license and also an annual license from the Town in which he is holding auctions. He has made arrangements with Bill Burns to hold auctions at the Banqueteer, 225 Littleton Road. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve an annual Auctioneer's license for Phil Currier.

Under Appointments, Mr. Lynch said he has appointed Charles Tewell, 5 Woodlawn Avenue and a Human Resources Manager at Digital to the Personnel Board.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this appointment. Mr. Lawlor said that he knows him to be an excellent candidate.

Mr. Lynch said he has appointed Alan Greenhalgh, 4 Bridge Street, a WWII veteran, to the Veterans' Emergency Fund Committee to replace Robert Clough.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this appointment.

Under Reports Mr. Joyce said he held a press conference last Friday re the Independent headlines and he wants his statement to be entered into the minutes.

Mr. Dalton asked about the Avila drainage problem and Mr. Lynch said that Town Counsel is drawing up an easement. Mr. Dalton asked about the barberpole question and Mr. Lynch said there will be a petition article for the October Town Meeting.

The Town Manager reported the 5 year plan is on or ahead of schedule. The difficulty in preparing this plan is waiting for the impact of the Educational Reform Bill and State Aid. The fiscal forecast portion will be completed within 2 - 3 weeks. We are gathering data on service costs and demands placed on services. The Capital Planning budget has been submitted to the Finance Director and will be presented to the BOS in late October.

On the implementation of E-911, we had thought that this region would come on line in early November but now it is not

until early 1995. We're continuing with the Centralized Dispatch plan and it should be in place by 1995.

On the Streetlighting projects, Shedd Lane should commence within one week, and work should be completed within two weeks on Pineview Avenue Ext., Marose Ave., New Fletcher St., Mt. Pleasant St., Dartmouth St., Cambridge St. and Westford Street. Mass. Electric is also replacing the cracked pole on Middlesex Street.

The bid award to Belleville Paving for 1995 has been challenged, which delays our paving until a hearing with the Dept. of Labor and Industries. We hope to pave streets that have been prepared for paving by year's end. We could pave on an emergency basis if this fails, but we made the bid award before the bid was challenged.

Mr. Lynch announced that there is a vacancy on the board of Library Trustees and a joint meeting will be scheduled for September 12th.

Mr. Lawlor reported that residents along Westford Street are complaining about trucks parking in the Rte. 495 North Rest Area and leaving them running all night. The State Police say this is a local policing issue and he asked Mr. Lynch to take the matter up with Chief Caron.

Under New Business Mr. Brem said that NMCOC has put forth a local TIPS list and many projects are on that list - paving, bridge reconstruction jobs, etc. for 1995 and 1996. We should encourage our legislators to approve this.

Mr. Blomgren announced that we have rescheduled Bob Kennedy from the LRTA to Sept. 12th.

Mr. Blomgren asked about steeflights on the Common.

He asked to have a letter of commendation sent to Chief Caron for the arrests in East Chelmsford. He asked Mr. Lynch to check on zoning on that property and Mr. Lynch said we have correspondence from both the Board of Health and Building Inspector and have gone to court on the case. He will brief the BOS at the next meeting

Mr. Blomgren said that on the next agenda we will be combining new business and reports into one category. Mr. Lynch said he will have a new calendar through April 6, 1995 out to the Board shortly. The meeting of August 29 has been cancelled and those items put on the agenda for Sept. 12th.

Attorney Joseph B. Shanahan, Jr. was present with the Conservation Restriction on Camden Place. This is the same as the restrictions put on Graniteville and Farley Estates and the form has been approved by Town Counsel and the Dept. of Environmental Affairs. Mr. Lawlor said he has compared the restrictions and they are very similar - they mean that the rest of properties will not be built upon in order to preserve open space. Mr. Shanahan said that all the local approvals are in place and the appeal periods have expired. Motion by Mr. Lawlor, seconded by Mr. Brem, unan. to approve.

Robert Gauthier from Nynex presented a joint pole petition to relocate 3 existing poles on Chelmsford St. at Eastgate Plaza and one on Glen Avenue. He said the Commonwealth of Mass. is involved as this is part of the State's Safety Improvement Program.

Mr. Lawlor said that Glen Avenue will be moved to be directly across from Demoulas. Mr. Brem asked if there will be any guys and was told one, at Eastgate, and the poles will be more than 3 feet off the pavement.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this petition.

June Cook, Chelmsford Land Trust Conservation, asked the BOS to sign a Conservation Restriction on the 11 acre Kroll property on Proctor Road, which was donated to the Town for Conservation purposes.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve this restriction.

Chairman Blomgren then explained the Town Manager evaluation procedure through a slide presentation:

1. Presentation
2. Topics of Discussion: Evaluation Process, FY94; Open Items - FY93; Performance Evaluation - FY94; FY94 Initiatives; FY95 Initiatives; Employment Contract Progress
3. Evaluation Process FY94 - we are a week ahead of last year's; we have asked for and received a lot of public input and also the Town Manager's self-evaluation
4. and 5. Open Items - FY93
6. BOS Feedback (8/93)
7. BOS Summary Feedback (8/93)
8. Performance Evaluation - FY94
9. Performance Evaluation - Legislative Relations (4-)
10. " " Public Relations/Communication (4) Mr. Brem commented that these ratings were culled from each BOS member individual response and Mr. Blomgren is speaking for both himself and the other members.
11. Performance Evaluation - Budget Presentation and Administration (4-)
12. " " - Managerial Skills (4-)

13. Performance Evaluation - Direction/Supervision of Town Organizations (3/4)
14. " " - Personal and Professional Growth of the Town Manager (5-)
15. Overall Rating - (4-)
16. Questions
17. FY94 initiatives Stated Goals (Timeless): Increased Professionalism, Local Government Credibility, Fiscal Stability and Operational Efficiency
18. Develop 5-year Plan: Budget, Organization & Facilities - Incomplete
19. Public Safety Restructuring and Staffing
20. Restructure Assessors Division
21. FY95 Budget - Approved by Spring, 1994 ATM
22. Community Service Improvements - Council established
23. Centralized Community Development - Incomplete
24. Comprehensive Annual Financial Report (CAFR) -Incomplete
25. New Library Facility - Progress Being Made
26. Total Quality Management Program (TQM) - Incomplete
27. Reporting Improvements - Progress Being Made
28. FY94 Performance to Initiatives -Questions?

Mr. Brem said that it is important to note that although we go through this page by page, some pages are more important - this is not a full quantitative analysis.

Mr. Lawlor said that last year the BOS set objectives for the Town Manager that didn't cover the entire sphere of what we expected, only the highlights. Other items included contract negotiations and finding out the implications of the school Educational Reform Act. Mr. Lawlor added that Mr. Blomgren has done an outstanding job in organizing the Town Manager's evaluation.

Mr. Blomgren then continued the slide presentation at the request of those present:

29. FY95 Initiatives for the Taxpayers
30. Stated Timeless Goals: Increased Professionalism, Local Government Credibility, Fiscal Stability and Operational Efficiency
31. Enhanced Citizen Relations
32. Five Year Plan
33. Central Square Improvement
34. Community Services
35. Labor Negotiations
36. CATV Contract
37. Economic Development
38. Library Expansion
39. FY96 Budget
40. Townwide Ambulance.
41. Charter Improvements
42. Capital Planning Program
43. Public Safety Plan
44. Contract Completion
45. Questions

46. Employment Agreement Process
47. Current Contract Summary
48. Other Contract Provisions
49. Briefing Complete

Mr. Joyce commended Mr. Blomgren on his outstanding presentation - it was done properly and with the utmost professionalism.

Mr. Dalton said that Mr. Blomgren did an excellent job. Mr. Dalton has only been on the BOS for four months and doesn't understand the full process but thinks it has been objective.

Mr. Blomgren said we want to close as soon as we can to go into Executive Session to discuss the Town Manager's contract.

Mr. Lawlor thanked the audience who has shown up for the past few meetings. He said that it may appear that this was a sterile evaluation but it amplifies the weighting of items we've used to evaluate him. The Charter places certain responsibilities on us and certain responsibilities on the Town Manager so we can check how he's doing. We have come to expect courteousness to BOS members but the area that is most important is how is he serving the taxpayers. In contract negotiations he's gotten the best possible deal with the bargaining units and has served both them and the Town well. The issue causing the most heat is the public safety issue. A vital part of his evaluation is how well we as a Board listened to the public. We want to see his innovations and expect to see and continue seeing that he is performing consistent with our expectations.

Mr. Brem said that when you evaluate it's a balancing act. We all have inherent strengths and weaknesses and want to alter weaknesses into strengths. Some items are more important than others and we all have our own opinions. Following the Charter is the Town Manager's first job and insuring that he meets the 18 Charter charges. Some issues are not so visual and concrete and we have to look at the whole. We should support the Town Manager as long as he supports the Charter and the BOS directives.

Mr. Lynch said that this has been an interesting experience for him and he thanked the Board for their input. The evaluation instrument is useful in many and he would like to meet with the Board one on one to go over their concerns. He is proud of what he has accomplished as Town Manager and feels the Town is in good condition. He is looking forward to working on other issues, and said the Town has made a commitment to him and he to the Town and he wants to continue that commitment.

When Mr. Blomgren asked for Press Questions Chris Scott from

the Lowell Sun said he wants a comment from each Board member on his rating of the Town Manager.

Mr. Joyce said that his opinion falls along with what the ratings were in the slide presentation.

Mr. Dalton said he rated him high in some areas low and low in others. He tried to be objective but didn't totally approve with the final ratings. He feels there is a lack of communication with the Board and at times the Town Manager believes that he is in control and Mr. Dalton believes that the Charter says the Board has control.

Mr. Blomgren said that we are trying to provide a summary from seven BOS members who served over the past year, including Mr. DeFreitas and Mr. Logan. He wants everyone to leave the room with a positive feeling. He feels the overall feedback is pretty good and we need to move forward with the contract in a positive way.

Mr. Dalton added to his comments that he feels Mr. Lynch's highest ratings re budget preparation and personal development.

At 9:20 p.m. motion by Mr. Joyce, seconded by Mr.. Dalton, to go into Executive Session with the Town Manager to discuss his contract. Roll Call vote was as follows: Mr. Joyce-Aye; Mr. Dalton-Aye; Mr. Brem-Aye; Mr. Lawlor-Aye and Mr.. Blomgren-Aye.

For the Board of Selectmen, by

Judd C. Carter

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Executive Session of the Board of Selectmen held Monday, August 15, 1995 at 9:30 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Administrative Assistant Judith Carter was also present.

Town Manager Bernard Lynch joined the meeting to give the BOS his proposal of what he would like in a new contract. Mr. Lynch said he is asking for compensation of \$79,900 based on what he has accomplished in the past year and an increase in vacation days from 15 to 20. He gave the BOS an MMA survey done on Town Manager's salaries, based on population, budget and geographic location. He also noted that the premium on his long term disability policy is \$1900, not the \$2300 as indicated in the slide presentation.

Mr. Lynch then left the meeting.

Mr. Blomgren said that he has heard back from Town Counsel that the idea Mr. Lawlor had at the last meeting - a finite end to the contract - won't work; the Charter takes precedence over any employment contract. He added that on the question of strong vs. weak Fire Chief, the Charter has created a weak chief according to the Ipswich decision. Town Counsel Harrington is coming to the meeting on Thursday. Mr. Lawlor commented that if the charter is changed to indicate a definite term for the Town Manager, we would have to have the Charter Commission re-do the charter - it now indicates an indefinite term.

Mr. Joyce said the major item for the BOS to settle is the term of the contract and Mr. Blomgren and Mr. Lawlor both said that language also needs tightening up and we need to place caps on some items.

Mr. Lawlor said that as a Subcommittee he and Mr. Joyce agree that we should go with the Fiscal Year rather than Calendar year for a future contract but not on the term - it ranges from 6 months to 18 to 30 months. Mr. Lawlor continued that the Charter is in place and we have to work with it. He thinks that RAB has increased our credibility with the evaluation process, that it is largely very strong and positive, and what we do should be consistent with his evaluation. Six months is not consistent - 2 1/2 years is more consistent. After discussion the consensus was an 18 month term for the contract.

Mr. Lawlor asked what are our goals as a BOS for the Town - should be the best deal - flexibility - retention of Mr. Lynch and a demonstration of commitment.

Mr. Joyce said we should transfer his \$3600 vehicle allowance to his salary to help his pension, pay only real and actual mileage and 4 weeks severance pay, since he only has to give

the BOS 4 weeks notice.

It was agreed that there would be no increase in the number of vacation days, that he could not accrue more than 1 week in any one year and that his vacation time now accrued would be capped at 37 days. He would be expected to use his 15 days per year and if he wanted more, tap into the capped days.

Professional development - keep ICMA and MMA - attend meetings as usual and conferences with consent of BOS and 2 weeks notice.

Compensation time is in the present agreement - let him ask the BOS for it.

Vehicle allowance - most Town Manager's get cars and real and actual mileage. Mr. Joyce recommended that when the Police Dept. gets new cruisers next July that the Chief give the TM the best of the year-old ones.

Mr. Lawlor said that if firing is what the BOS wants to do, then offer him a 6 month contract. Security has real value and there has to be a correlation between his evaluation and what we offer him. It was agreed that 18 months would be offered.

Mr. Lawlor recommended going with the 18 months, with 6 months severance, a cap on vacation, no change in pay, no car allowance except actual mileage, until a vehicle becomes available.

Mr. Blomgren said he likes the fact that the BOS is compromising, and he recommends 18 months, salary increase of 2 1/2% or \$2,000 (OK with PVL and JAB), leave mileage alone this year, cap on vacation and shape and mold language.

Mr. Joyce wants the record to state that he will not vote for any raise this year.

Mr. Blomgren said that 3 votes is a consensus of the BOS and there seems to be a consensus on: base salary, severance, vehicle allowance stays intact and for term - the asked for contract is cut in half.

Mr. Brem said that Mr. Blomgren could prepare a good table or graph for the media showing the savings and costs of the contract. Mr. Joyce said he will not vote on the proposal as it stands now.

Mr. Blomgren said that Mr. Lynch has made a proposal and we're making a counter proposal. Mr. Lawlor said that if the BOS goes with the proposal that Mr. Blomgren has laid out then that is his own last position, and he will hold the line here. Mr. Brem also goes along with RAB's proposal.

Mr. Brem summed up the session, noting that with 3 being a consensus the BOS has agreed on 9 out of 14 items:

No Change

Personal Days - 3
Vacation Days - 15
Long Term Disability - same
Approval to teach at U.Lowell - same
Sick buy-back freeze as of 7/1/93 (93 days)
Medical Insurance 60/40

To Be Changed

Professional development approved by BOS
Vacation with no carry-over - freeze as of 1/1/95
Term to expire on Fiscal Year basis

To Be Worked Out

Salary - 2 1/2% consensus
Term - 18 months "
Vehicle allowance - remains intact
Severance - 6 months

Mr. Blomgren asked BOS members to go over the marked up copy of the contract before Thursday's meeting. Mr. Joyce asked to see before and after numbers on the proposal.

At 11:20 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

For the Board of Selectmen, by

Julio E. Carter

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Executive Session of the Board of Selectmen held Thursday, August 18, 1994 at 7:15 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Judith E. Carter, Adm. Asst. and Town Counsel James Harrington were also present.

At 7:15 p.m. motion by Mr. Joyce, seconded by Mr. Lawlor, to go into Executive Session to discuss contractual matters, litigation and rulings from Town Counsel. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; and RAB-Aye.

Town Counsel Harrington gave the BOS some rulings they have asked for and discussed pending contracts and litigation. He will update the BOS on all pending litigation at a future Work Session.

Mr. Harrington left the meeting at 7:40 p.m.

Mr. Blomgren and the members then went over the summary of the proposed contract for the Town Manager.

#1's 1 and 2 - renewal and severance. Motion by RPJ, seconded by WFD, to reduce severance pay to 3 months. It was questioned when this went to 6 months - originally it was 3. Mr. Blomgren suggested a compromise of 4 months.

#1 - contract renewal notice period of 6 months - motion by RPJ, second PVL, to approve. Roll Call vote - RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

#2 - severance pay - motion by RPJ, second WFD, to limit to 3 months. Roll Call - RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye. Vote was later changed to 6 months - Roll Call was - RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye. Motion passed.

#3 - compensatory time - the Charter says No, contract says Yes. Motion by RPJ, second WFD, to delete. RAB said the manager does not bill the Town for this time and his role is 24 hours per day, 7 days per week. Roll Call vote on the motion to delete the language - RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

#4 - 3 weeks vacation per year - Roll Call vote -all Ayes.

#5 - vacation may be carried over - motion by JAB, second RPJ, to cap as of 12/31/94, with no right of pre termination cashout. Roll Call vote - all Ayes.

#6 - sick leave earn rate of 1 1/4 days per month; #7 - cap at 120 days; #8 - sick leave buy-back capped at 93 days as of 7/1/93; #9 - personal days at 3 days per year; Roll Call vote all Ayes.

#10 - professional dues and subscriptions for ICMA, ASPA, MMA

the job descriptions we have asked the Personnel Coordinator to obtain.

At 10:20 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Galt

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Executive Session of the Board of Selectmen held Monday, September 12, 1994 at 6:30 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch and Adm. Asst. Judith Carter were also present.

Mr. Lynch told the Board that he is not happy with some portions of his contract: the 18 month term, when with the evaluation instrument that was used the fact that he came out with a 4- indicated that the BOS felt he was doing a good job; the Town's financial shape, his relationships with Boards and Departments and the goals he has attained he would have preferred a 3 year term.

Vacation - he does not care for the manner in which it was written- he spends 50 - 60 hours a week in his office and never stops being Chelmsford's Town Manager. His work is very intense and he needs to take time off sometimes.

Mr. Dalton commented that if they took out the evaluations of the two former selectmen his rating would have maybe been a 3, but said that he thinks Mr. Lynch survived it pretty well and he himself may have been overly critical.

Mr. Joyce asked why the changes he had underlined were important to him and Mr. Blomgren said the previous contract had several different addenda.

Mr. Brem said he doesn't like the whole whereas section but Mr. Dalton said this is normal contract language.

Mr. Joyce asked why did former Boards allow him to accrue so much vacation time and he thinks he should take it.

Mr. Blomgren said the contract we are referring to was transmitted to him on August 31, 1994 with copies to all BOS members and is between the Town and the Town Manager effective September 1, 1994. The number of vacation days to be capped will be put in on December 31, 1994.

Motion by Mr. Lawlor, seconded by Mr. Joyce, to support the contract as presented. Mr. Joyce asked what has happened without the consent of the Town Manager and Mr. Blomgren said this is more mutuality, that both parties have to agree. Mr. Lawlor said he has never seen a contract where the pay can be lowered. Mr. Lawlor asked Mr. Dalton what would make him change his mind and support the contract, and Mr. Dalton said severance pay, we shouldn't someone for doing a bad job. Mr. Lawlor said that this provides a level of insulation from reactionary behavior on the part of the Board and gross or willful negligence on the part of the employee.

Mr. Joyce said there is no mutuality here, Mr. Lynch can give us 4 weeks notice and we have to give him 6 months. Mr. Blomgren said we have 2 people who could step in to the budget process while we are looking for a replacement, but he would have preferred 4 months severance, not 6.

Roll Call Vote on Mr. Lawlor's motion to support the contract was: RPJ-Nay; WFD-Nay; JAB-Aye; PVL-Aye and RAB-Aye. Motion

passed.

Motion by Mr. Brem, seconded by Mr. Lawlor, to ask for a unanimous vote in favor of the contract. Roll Call vote on this motion was: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye. Motion failed, and we cannot announce that the vote was unanimous.

Motion by Mr. Joyce, seconded by Mr. Dalton, to release the minutes of this year's contract negotiations with a correction on page 2 of August 18: the vote was 2 - 3, not 3 - 2 in the second paragraph. Roll Call vote on the motion to release the minutes of the meetings of Executive Sessions of August 8, August 15 and August 18, 1994 was: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye.

At 7:07 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Open Session. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye.

For the Board of Selectmen, by

Julio E. Carter

Town Clerk

RECEIVED
94 SEP 27 AM 11:19

Regular meeting of the Board of Selectmen held Monday, September 12, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Bernard F. Lynch, Town Manager, was also present.

Chairman Blomgren called the meeting to order at 7:10 p.m.

Mr. Lawlor asked for a moment of silence for Barbara Sartz, who recently passed away and made valuable contributions to the Town and her church. He sent our condolences to her husband Jake, daughter Donna and son Jay.

During the Open Session Bill Martin was present to inform the Board and Town residents about the CHS Alumni Dinner Dance, to be held on September 29th, with the proceeds going to the Endowment Fund.

Walter Kivlan addressed the Board, telling them about the Little League Fathers' Fall project which is adding a 40' x 50' addition on top of the 40' x 50' storage shed. He gave out copies of the fall baseball schedule, and said that 3 Chelmsford kids are shown in the Sports Illustrated Physically Challenged issue.

Mike Sockol, 360 Littleton Road and TM Rep from precinct 5, said that the BOS has to either take decisive action or compromise with the Town Manager's contract. He thinks the BOS is playing political chicken and making Bernie Lynch a lame duck. He would like to see him stay with a 3-year contract but if they want to get rid of him, do it now, and it's not going to be pleasant.

Mr. Joyce said he is one member who wanted a short-term contract, noting that some of the highest paid Town Managers don't have contracts. He told Mr. Sockol he resents his comments, that he is doing the best he can for the Town and thinks Mr. Sockol has misled a lot of people.

Mr. Blomgren asked if Rose Sergi was present since she had said she wanted to address the BOS, but she was not in attendance.

Mr. Dalton presented a Certificate of Appreciation to the Chelmsford Emblem Club for raising \$24,500 to purchase 5 defibrillators for the Fire Department and listed their fundraising activities. Karen Dunn accepted the certificate and introduced the 20 club members in attendance. Ms. Dunn thanked everyone who contributed to the fund, either through fundraisers, canisters, memorial donations or gifts to the fund.

Mr. Joyce read the Proclamation for Chelmsford Women of Today and Katherine Fishcer accepted it for the group.

Mr. Blomgren read a Proclamation for Muriel A. Hardy, resident of the Town for over 60 years, praising her for her dedication and service to the Library and the Town. He will give the proclamation to Eleanor Parkhurst, who will give it to Ms. Hardy or her family.

Town Manager Lynch then introduced Police Chief Armand Caron, who has developed a Traffic and Safety Division within the Police Department.

Chief Caron said that during the last 15 months the department has undergone computerization and now can analyze their needs. He stated that 28% of the Police Dept. calls are regarding motor vehicle accidents, that 20% occur on Fridays and the top streets with accidents are: Chelmsford St., North Road, Drum Hill Road, Drum Hill Rotary and Billerica Road.

Lt. Steve Burns will be in charge of the specialized Traffic and Safety Division, with Sgt. Scott Ubele second in command and five officers assigned to the unit. The supplies, equipment and cars all come from the present PD equipment. They will correct any street deficiencies - signs, obstructions, etc., target frequent accident locations and will work with the Highway and School Depts. re safety.

Mr. Blomgren asked how will we measure the success of this program and the Chief said by reductions in accidents and our insurance rating. Mr. Lawlor asked if we are getting any money out of the Crime Bill and Chief Caron probably some community policing money. We will start a full time program and he would like to get a drug dog, who would also be trained to look for lost persons. He added that Sgt. Ubele and Officer Daley will attend all Traffic and Safety meetings. We are receiving money from a DARE grant in December and will add at least one officer and maybe six or seven under the Crime Bill. Mr. Dalton commented that he has heard good response to the Park and Walk program. Mr. Lynch said we are setting up a Coalition Against Crime Committee and are also sending a questionnaire out to each household. Chief Caron added that as of next Monday Gail Hunter will be the Crime Prevention Officer.

Mr. Lynch then presented his Customer Service Excellence Program. The purpose of the program is to:

1. Improve communication - both into and out of Town Offices
2. Improve Accessibility - right now we are not perceived as being very accessible
3. Improving services to be prompt and cost effective

He has met with Department Heads and key staff people and has come up with steps to be taken:

1. He will hold **Open Hours** as Town Manager two days per month from 2:30 to 4:00 pm
2. **Departmental Outreach** - Department Heads will be

available at the Senior Center, PTO meetings, etc. occasionally

3. **Community Newsletter** - to be published and mailed to each residence 3 times per year
4. **Cable 43 TV Message Board** - we will be posting more meeting agendas and general information
5. **Cable 43** - we will be doing **For Your Information** programs
6. **Consistent Licensing Hours** - Thursday mornings from 8:30 - 10:00 am we will ask all department heads with licensing authority to be in their offices
7. **Permitting Handbook** - Land Use Coordinator Andy Sheehan is preparing a book that should be ready within a month
8. **Evaluation Card** - will be in each office and on each floor for citizens to evaluate their satisfaction in the way in which they get service and answers from the Town and the way they are treated by Town employees
9. **Open Doors** - within the Town Offices building we are encouraging doors to be kept open, weather permitting.
10. **Improved Directory** - we are trying to make the directories on each floor more understandable
11. **Employee Training and Idea Exchange** - we are encouraging this interaction among employees
12. **Customer Service Function** - Marian Currier is following up on any complaints received from the public
13. **Resident Notification** - we will try to notify residents when any large DPW or sewer projects will affect them

James Good, LRTA rep. was present and introduced LRTA Director Bob Kennedy, who said he will give a brief presentation of services and costs and introduced his key personnel. He said that the Town of Chelmsford representatives have all been great additions to the Transit Authority Board.

Mr. Kennedy said that during the past year they have made 1.5 mil passenger trips to 6 cities and Towns, and that their \$4.8 budget serves 300,000 people. They have given 6200 rides on the Roadrunner for persons over 60 or disabled persons.

They have provided an 18 passenger mini-bus to the Council on Aging which cost \$439,000, and the Town was assessed only 20.6%.

Kathy Frazer, Nynex, and Dave Hasher, Mass. Electric, were

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He has met with Department Heads and key staff people and has come up with steps to be taken:

1. He will hold Open Hours as Town Manager two days per month from 2:30 to 4:00 pm
2. Departmental Outreach - Department Heads will be

present with pole petitions.

Mr. Hasher said that Mass. Electric is petitioning to install 4" conduit on Graniteville Road, and Mr. Lynch said that DPW Director Jim Pearson has approved the plan.

Vernon Esbaugh, 216 Graniteville Road, an abutter, said that some work has already been done and he is concerned about the contour of the road, that there is a big dip in it. Mr. Lynch said he and Mr. Pearson have both told them to make better road cuts, and road cuts have to settle before the final paving. Ms. Frazer said Nynex has been advised that the developer has placed the conduit and she is here only to ask to occupy space for their cable. Mr. Lynch added that when the street opening permit was pulled the Supt. of Streets had to give permission. The BOS asked Mr. Lynch to give a written report at the next meeting on this particular project.

Ms. Frazer said that Nynex has been told that they want a waiver from the Town before a pole can go on private property and Mr. Dalton commented that the developer should have to repair the road.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Graniteville Road petition to occupy the conduit, with the Town Manager to give a report.

Ms. Frazer asked permission to place and maintain one pole on Davis Road, which was requested by the Town for the sidewalk project. Mr. Pearson asked that the pole be placed 4' off the pavement.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Davis Road petition with the pole to have a 4' setback.

Brush Hill Road - petition to place one support pole 3' from the edge of the pavement. The plan has been re-engineered and abutter Ms. Wadja agrees to this location.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this new plan.

North Road - Nynex petition to place 3' of underground conduit on a public way, to provide additional service.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to grant.

Nynex petition to place cable in conduit on Graniteville Road - motion by Mr. Joyce, seconded by Mr. Dalton, unan. to grant

Mr. Lynch then brought the Board up to date on the Greyststone project and Mr. Brem left the room.

Mr. Lynch told the Board that the parcel is still owned by the Caryes but it is now in recall and they may sell it to a private developer. There is 650 acres in Westford, 100 acres in Tyngsboro and 2 parcels of 90 acres in Chelmsford, which is zoned industrial. The Westford parcel is zoned industrial but can also be used for residential, and the Tyngsboro parcel is zoned residential.

The new proposal seems to be proposing 600 - 700 housing units and the project could cover app. 1,000 acres. This is 25% of the open space remaining between Nashua, NH and Burlington along Route 3.

The 3 Town Managers have been meeting, to make sure that the infrastructures and services of the 3 towns will not be greatly affected. He is asking the BOS to endorse the concept of working with our neighbors and state agencies to come up with a plan to work with the developer. There are meetings again Wednesday and Thursday mornings.

The land in Chelmsford is zoned Industrial, which could take an office park or industry and we can't take that kind of traffic in North Chelmsford. The 600 residential units would have a tremendous impact on Westford and we want to develop a plan to preserve open space.

Mr. Lynch continued that we need a Master Plan for this area that makes sense for the region, to be phased in. There are State and environmental laws that look into impacts and a lot of work has already been done through the environmental process.

Mr. Lawlor asked if we could use the services of NMCOC and Mr. Lynch said yes, they coordinated our citizens advisory process, will provide technical assistance and Bob Flynn is looking for funding.

Mr. Lynch said we need a vote of the BOS to work with Westford and Tyngsboro, and the appointment of a BOS liaison.

Mr. Lawlor suggested that we should look at the purchase of the land as a buffer and we as a Town should act pro-actively on this and involve the Planning Board also. We will either lead or be led and we as a Town need to give that kind of direction. He said he wants Mr. Lynch to give a strong recommendation, both offensive and defensive.

Mr. Lynch said that Jim Pearson and Andy Sheehan are both involved in this project.

Motion by Mr. Joyce, seconded by Mr. Dalton, to support the initiatives by the Town Manager and go forward with his plans. Vote was 4 in favor, 1 abstention (Mr. Brem was not in the room).

Mr. Brem then returned to the meeting.

Mr. Lynch said he has had inquiries re the sign by-law and political signs - they can go up not more than 21 days before an election and be taken down not more than 14 days after.

Mr. Lynch told the Board that they need to set the time and day for the celebration of Halloween. It falls on a Monday and he is recommending Sunday, October 30th from 5 pm - 8 pm.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the celebration of Halloween for Sunday, October 30 from 5 -8 p.m. Police Chief Caron also recommended this time.

Under Selectmen Referrals Mr. Dalton said we were supposed to move a pole on Davis Road and Mr. Lynch said he will check

with Ms. Frazer. Mr. Dalton said there is still a streetlight missing on Dartmouth Street but they did move the lights on New Fletcher Street.

Mr. Joyce asked Mr. Lynch to have Gail Street looked at for streetlights, and also the recycling on Manning Road.

Under **Appointments**, Mr. Lynch said that Cheryl Boss has applied for the vacancy on the **Capital Planning Committee** and Mr. Joyce has asked to have a Board member on the Committee. Mr. Lynch asked that the BOS appoint a liaison to the Committee and adopt policies re the capital planning process. He said that Ms. Boss would do an outstanding job, she has had 11 years on the Finance Committee and understands the need for capital plans.

Mr. Joyce said he thinks it is important that a Board member be appointed and thinks Ms. Boss is too much like the rest of the Committee. Mr. Lynch said that the Charter does not prohibit a BOS member on this committee.

Mr. Dalton suggested that we do more advertising for these positions and Mr. Joyce asked to **table this until the 26th**.

Mr. Blomgren said we should: 1. do advertising; 2. ask to see the Town Manager's plan that there is a BOS member on the Capital Planning Committee; and 3. the Town Manager is to recommend to fill the 2 vacancies.

Mr. Lynch told the Board that the Executive Secretary slot is still vacant and if a Board member wants to take that slot it would be one way out of the predicament.

Mr. Lynch said he has **appointed Nancy Vinkels, 17 Vincent Street to the Cultural Council** to fill the one vacancy.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to approve this appointment.

Mr. Lynch said that he, Chief Caron, Lt. McCusker and Marian Currier have already been working on **names for a Coalition Against Crime Committee**. Mr. Lynch read the list of nominees all of whom have either been involved or expressed interest in this area: Lt. McCusker, Ruth Delaney, Douglas Hassler, Bill Hahn, Kathy Cryan-Hicks, Stephen Meidell, Kim McKenzie, Judy Mallette, Monique Rossetti, Holly Rice, Dr. Stuart Weisfeldt, and Police Sgt. James Murphy. Mr. Brem said his name has been offered by both Mr. Lynch and Chief Caron and he would like to be the BOS rep. Mr. Joyce will serve as backup.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve

Mr. Lawlor then reported on the **Charter Review Subcommittee**, stating that Richard DeFreitas had appointed him and Mr. Joyce to look at the Charter. They have done their homework, listened and talked to the public. It is not the intention of the Subcommittee to undermine others or to influence the BOS. They held 3 Public Hearings from February through April, with substantial participation. Some are proponents, some are not.

They looked at two broad areas - the position of the Town Manager and representative Town Meeting. The powers of the Chelmsford Town Manager are fairly strong, and some people want to shift some powers back to the BOS. Open Town Meeting vs. Rep. Town Meeting - if we keep rep. we need to know how the reps voted on various issues. Areas where he and Mr. Joyce had agreement were:

1. the Town Manager's term should run with the Fiscal Year;
2. restore to the BOS the right to appoint advisory citizen committees, which would not jeopardize the goal of the Charter;
3. Rep. Town Meeting - residents should know how their reps voted.

Mr. Joyce said that several items they could not agree on were:

1. reducing the number of BOS votes to remove the Town Manager to 3 out of 5, not 4 out of 5;
2. Serve indefinite period - this was not the intent of the Carter Commission members
3. Unexpired terms of Town Meeting reps - write in candidates not be allowed to go on waiting list unless they had at least 25 votes
4. Change Personnel Board so non-union employees can have a bargaining group

Mr. Dalton said it is hard to believe the subcommittee came up with only 3 recommendations - he attended the meetings and the list that Mr. Blomgren has drawn up is more accurate than this report. Mr. Blomgren said we can do some revisions and put some on the Fall Town Meeting Warrant and have to consider do we want to reconstitute the Charter Commission.

Mr. Brem said he is concerned about independent minor changes that may add up to a major change

Mr. Blomgren said he will take his base list and Mr. Lawlor's and determine what needs to go before a Charter Commission.

Mr. Brem said he does not like the menu approach.

Mr. Blomgren will compile the lists for a Work Session before the September 26th meeting.

The BOS looked over the draft Fall TM Warrant and Mr. Lynch said there will be a couple of other items - Medicaid reimbursement money is coming in and has to be transferred to the School Department. Art. #8 is by the BOS, not by petition. Mr. Lynch is awaiting final numbers from the County Retirement system. We are looking at large outlay deficits.

Mr. Brem asked to have an article put on regarding the depression of utility poles in the Center, to be put forth as a BOS article.

Re Selectmen/Town Manager Goals, Mr. Blomgren said that each BOS member prioritized goals as did the Town Manager and he

force rated them. There were major differences between the TM goals and BOS goals. The top goals are the 5-year plan and the FY96 budget. We need to focus on 10 items or less and have the base line and format.

Other Business/Reports - Mr. Lawlor encouraged everyone to vote in the primary elections on September 20th.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Regular Session minutes of July 18, August 8 and August 15.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Executive Session minutes of August 8, 15 and 18, with a correction to page 2 on August 15.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to release the Executive Session minutes of August 8, 15 and 18, with any reference to pending litigation omitted from August 18.

Motion by Mr. Joyce, seconded by Mr. Dalton. unan. to send a letter to the LRTA supporting extending transportation down Route 110 to the Four Corners in Westford, including the Commons and the Trailer Park with a copy to Jim Good and the Westford Board of Selectmen.

Mr. Blomgren announced that an employment agreement has been signed between the BOS and the Town Manager and read a statement summarizing the terms.

He wished success to Mr. Lynch and his offered his support over the next 18 months.

Mr. Joyce said that the TM's salary on Jan. 1, 1995 will be \$81,000 and he voted against it. He is preparing a document to show what he was looking for, and we have to put the brakes on at some point.

Mr. Dalton said he also voted not to approve the contract - that we shouldn't pay severance pay, don't need long term disability, mileage should be eliminated completely and a Town car supplied. He added that we tightened up and made improvements in language and he can't understand what prior Boards were doing.

Mr. Lawlor said we're 5 different individuals, and he was pleased that a consensus was reached by the BOS and we reached it even though we weren't all happy with everything. A mature approach was taken by the BOS in making the contract.

Mr. Brem said none of us go all of what we wanted, and he applauds Chairman Blomgren who has done an exemplary job in putting forth a procedure and format that was extremely professional. Our discussions were always frank, honest, open and vociferous.

At 10:25 pm motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Conkle

54 NOV -3 PM 2:53

Regular meeting of the Board of Selectmen held Monday, September 26, 1994. Members present were: Roger A. Blomgren Robert P. Joyce, William F. Dalton and Peter V. Lawlor. Mr. Brem was absent due to a business commitment. Town Manager Bernard Lynch was also present.

During the Open Session Liz Marshall, 16 Colonial Drive, spoke regarding the LWV Charter Review Forum to be held on Wednesday, October 5 at the Senior Center. She asked if the Board is planning to put anything on the warrant re Charter revisions and Mr. Blomgren told her yes. Ms. Marshall said Marilyn Contreas from the State will be present and asked the BOS to be there also. Mr. Blomgren said we should have the proposed changes by Friday am.

Cheryl Boss read a prepared statement regarding her application for appointment to the Capital Planning Committee and the Board's discussion of same at the last meeting. Ms. Boss said that the Capital Planning Committee was voted as a by-law at the ATM in 1984, and membership does not include a BOS member because they do not vote on a budget. She felt that her knowledge and experience would be of value on the committee but if the BOS is more interested in putting one of their own members on the Committee he is withdrawing her name from consideration. Mr. Lawlor said the BOS should be embarrassed by the way in which we acted last week.

Dennis Ready, 2 Abbott Lane said that Ms. Boss' memory is accurate, and that it is wrong to put a Board member on the Committee.

Mr. Dalton said that he will be at the South Chelmsford Baptist Church on Wednesday at 7:00 p.m. to hand out copies of the Dalton Report and answer questions.

The Board recessed at 7:15 p.m. to attend the wake of the wife of Comm. on Disabilities member Ralph Hickey.

Mr. Blomgren called the meeting to order at 7:30 p.m. and said that the BOS wants to extend condolences to the Ralph Hickey family.

Mr. Blomgren said that last week Town employee Patrick Murtagh passed away and that there was a large crowd at the reception held after the funeral at the Town Offices. He asked for a moment of silence in memory of Patrick. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to dedicate a page in the minutes book to Patrick Murtagh.

Mr. Blomgren said that we have received the resignation of Library Trustee Susan Koeckhoven and the other Trustees are here tonight to jointly appoint a replacement to serve until her term expires in April, 1995. He asked for nominations and CH Linda Warren said she has received a letter of interest from John Cutter, Abbott Lane.

She outlined his credentials and put his name in nomination, seconded by Mr. Joyce. Roll Call vote of Trustees Linda Warren, Lorraine Lambert, Sarah Warner, Betty McCarthy, Nancy Knight and Jacki Matzkin - all Ayes; Roll Call vote of BOS members - all Ayes. Mr. Cutter was present and accepted the appointment.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the regular minutes of September 12, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Ex. Session minutes of September 12th.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to release the Ex. Sess. minutes of September 12th with the omission of the paragraph pertaining to pending negotiations.

Under Public Service Awards, Mr. Blomgren said he had the honor yesterday at the Camp Paul Appreciation Day of presenting proclamations from the BOS, Senate, House of Representatives and the Governor honoring Carol Cleven and Deidre Anderson, for their many years of volunteer service.

Under Town Manager reports, Mr. Lynch introduced Holly Rice and Bob Hayes, CH Recreation Commission, noting that with Ms. Rice we now have a full-fledged Recreation Director and Community Services Director.

Mr. Hayes spoke first, stating that until 1990 we had basic recreational summer programs - waterfront, tennis camp, day camp, but now we have added self-funded summer and other programs and extended camps, after school ski programs, Be A Leader program. He said that it is thanks to Holly Rice that it is possible to expand and offer new programs. He wants to publicize the fact that the Recreation Commission has its programs all listed in the Community Service Newsletter, which will be published 3 times per year. He thanked Holly and Kit Harbison for the excellent job done in producing this newsletter and added that you can pay for programs prevents with Mastercard or Visa, and that gift Certificates are available.

Mr. Blomgren said that they are doing a great job.

Holly Rice then addressed the Board, noting that they broke even, actually about \$1,000 ahead, in this year's Summer Program. She is getting positive response and support for the Newsletter and will try to get it out 3 times a year. Program registrations have increased and new programs are planned for Fall.

Ms. Rice summed up the summer program for 1994, stating that their budget was app. \$47,000 and they broke even with the pay for programs, actually netting app. \$1,000. She has had positive support and response to the Community Service Newsletter and will try to publish it 3 times per year. Program registrations have increased and some new

programs have been planned for fall.

Mr. Hayes said the building at Freeman Lake is still functional but the Committee has some minor wishes. Mr. Lynch said that the DPW Dept. and Ed Jamros have done quite a bit of work up there. They are looking at better storage for baseball equipment and sprinklers for the fields.

Mr. Lynch said that Wednesday night at the Senior Center there is a program in conjunction with Emerson Hospital on what to do in an emergency.

He wanted to congratulate Holly Rice and Kit Harbison on the newsletter - it is a remarkable job and a first class professional document. Board members told Ms. Rice that she has an excellent agenda of programs. Mr. Lynch said we can have a page for the BOS and other departments and Mr. Blomgren asked if Town-wide cleanup could be an event and Mr. Lynch said we plan to target one event each season.

Mr. Lynch reported and showed on a slide that Workers' Comp claims were way up in 1990 and now down. Through the Safety Committee and handbooks have helped make a dent in the number of claims. There were 60 claims in FY88 and only 30 per year now. Our premium hasn't shown as decrease as of yet since it is averaged over 3 years but should show a decrease by FY96. The Occupational Health Nurse set up programs and we have prepared 4 safety handbooks so the costs incurred with the Workers' Comp program have decreased. We are now average with other communities and MIIA has been very helpful.

Mr. Lynch reported that the Police Department received two grants last week - \$7500 from the Comm. of Mass. for community policing program planning and \$546,000 from the Federal government to hire 6 new patrol officers over the next 3 years. This will require some matching money from the Town but the Police Dept. has this in their budget. The credit for these grants goes to Chief McKeon and Lt. McCusker and we have a certain need for more coverage throughout the Town. Mr. Lawlor asked are we doing this because we have the federal money and what happens when it runs out. Mr. Lynch answered that this money is there to put this program in place and three years from now we will evaluate it and look at attrition.

Re the Customer Relations Program, we have had a positive response to the Community Newsletter. The Town Manager is increasing his Open Hours to the 2nd and 4th Tuesdays from 2:30 - 4:00 pm and the first Saturday of the month from 9:00 - 10:30 am.

Mr. Lynch reported that we are staying on top of the Greystone Project and have met with the Government Land Bank and Reps. Cleven and Hull from Westford. They are also

dedicated to this project and he is meeting with the Planning Board this week.

Mr. Lynch reported that Kris Gleason has resigned from the Planning Board effective October 31st and we will advertise the position and talk with the other Board members. We can't appoint until the first week in November. Mr. Joyce commented that this will be a very hard position to fill and her services will be missed.

Mr. Lynch reported that on Gail Street the Police Dept. went out and are recommending putting in another streetlight to make two and we will then reevaluate it.

On the Graniteville Road matter there were street opening permits to run electrical lines across the road. The condition of the patch looked fairly good today but we will be doing an overcoat of that roadway early next Spring and if there are problems we will make the developer fix them or take the funds to do so out of his bond.

On Manning Road a resident was running a used clothing dropoff but the Building Inspector told him to stop so he has rented a warehouse in Lowell and has been told that he can't have drop-off boxes on his property.

Mr. Dalton asked about when we advertise for openings on committees can we add what is the term and when is the deadline for applications. He asked about the five-year plan and Mr. Lynch said he is waiting for new information from the School Committee and awaiting the FY94 closeout and hopes to be able to present it at the meeting of the BOS, School and Finance Committees in November.

Mr. Dalton said he has just heard of a wood-processing plant being proposed in Billerica that backs up to Queen and Bishop Streets. We never heard from Billerica. Mr. Lynch said he will check the statute to see who has to be notified. Mr. Blomgren said we should go on record indicating the concern of the Town as to what will be the impact on Chelmsford.

Motion by RPJ, second WFD, unan. to notify Billerica that we'd like to be kept advised on this matter, that we have some concerns and are putting the Town of Billerica on notice, with copies to the Chelmsford and Billerica Planning Boards. Mr. Lynch will have some feedback at the next meeting.

Mr. Lawlor said that on Parkhurst Road behind Caldor's there is an accumulating number of containers that looks almost like an addition. He asked to have the Building Inspector check on it.

Mr. Dalton asked about the Stop sign on Marina Road and was

told that it was put in place.

Mr. Blomgren reported that there was a problem with telephone service Saturday and Sunday on Littleton Road, that all the rainwater was shorting out the systems. We will call Nynex on this.

Mr. Lynch said he has appointed Henry Emmet, 13 Smokerise, to the Solid Waste Advisory Committee. Mr. Blomgren asked how long has there been an opening and Mr. Lynch said since July, and that Mr. Emmet is the only applicant. Mr. Dalton asked what is the Committee doing now and Mr. Lynch said they are encouraging recycling, evaluating solid waste collection and working towards a new contract going out for bid in January for June 30th. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve Mr. Emmet's appointment.

Mr. Lynch reported that on the paving contract, Belleville was determined to be the successful bidder and we are going back out to bid on streetsweeping and a Gradall.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve two one-day liquor licenses for St. Vartanantz Armenian Church for October 8th and October 22nd.

Under Other Business Mr. Joyce reported that the Planning Board Master Plan Review Committee will be meeting over the next 6 - 7 months going over the present plan and determine whether we need a new Master Plan or only minor changes to the present plan.

Mr. Dalton asked for a list of all BOS liaison appointments.

Mr. Lynch then went over the warrant articles for the Annual Town Meeting on October 17th.

He said there have been some additions and changes to the warrant. Article #8 is to be corrected to show submitted by the BOS, not petition.

Mr. Joyce asked if under Article 1, Reports, could we have Captain Shannon of Hanscom Air Base give a 15 minute mini presentation re the proposed closing of the base and its Mr. Lynch said this could be a report from the BOS, and turn it over to Captain Shannon. The BOS all agreed to do so and the Town Manager will coordinate this with the Moderator and Captain Shannon.

Articles 3, 4 and 5 are land sales requested by abutters. Article 7 is requested by the Traffic and Safety Committee and is a corner clearance by-law. We will put it on as BOS sponsored, with a recommendation by the T & S Committee.

Article 8 is to adopt M.G.L Chapter 166, Sec. 22E to permit the depression of utilities in the Center. Mr. Blomgren said

he would like to see a non-binding question on the ballot. Mr. Lynch explained that each resident would see a 2% increase in their electric, fire and cable TV bills over a 3-year period of time. It will cost \$2-\$3 million to put all utilities underground from Fletcher Street to the Library. He will ask Mr. Brem more about it on Thursday afternoon. Mr. Blomgren said this is another tax and he wants residents to be aware of the impact.

Art. 12 is a Planning Board zoning amendment - a scribner's error.

Art. 13 is money the School Dept. has been chasing down and it has to go into a special revolving fund, similar to sewer betterments.

Art. 14 - to transfer funds received from Medicaid to the School Department.

Art. 15 - to vote to allow the School Dept. to carry over \$112,000 from their FY94 budget to their FY95 budget.

Art. 16 - to reduce the County Retirement by \$200,000 due to a new funding schedule.

Art. 17 - to pay late bills, which could run from \$5,000 to \$35,000.

Art. 18 - to transfer monies into the Stabilization Fund.

Art. 19 - issue a certain amount of money from Free Cash to balance the FY95 budget.

Mr. Brem joined the meeting at 9:00 p.m.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve and post the warrant as presented.

Re the Classification Hearing we will ask for more lead time to collect numbers and spread sheets.

Motion by Mr. Joyce, seconded by Mr. Dalton, at 9:10 p.m. to adjourn to Executive Session to discuss collective bargaining, litigation and purchase and sale of real property. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL:-Aye and RAB-Aye.

For the Board of Selectmen, by

Walter E. Carter

THIS PAGE DEDICATED TO THE MEMORY OF

PATRICK J. MURTAGH

FEBRUARY 13, 1935 - SEPTEMBER 20, 1994

TOWN OF CHELMSFORD EMPLOYEE FOR TWENTY YEARS

TOWN OFFICES HEAD CUSTODIAN FOR THIRTEEN YEARS

Voted by the Board of Selectmen
September 26, 1994

RECEIVED
94 NOV -8 PM 2:53

Work Session of the Board of Selectmen held Thursday, September 29, 1994 at 5:30 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton and Peter V. Lawlor. Jeffrey A. Brem was not present due to another commitment. Town Manager Bernard Lynch was also present as was Town Counsel James Harrington and Assistant TC Victor Manougian.

Mr. Harrington reported on the Nickles case, stating that the document was a judgment, not a verdict. The BOS ruling was overturned and they lost the case. Mr. Blomgren noted that they did not want their ruling overturned.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to appoint Elizabeth Delaney (D) and Marian Currier (R) as temporary Registrars for the recount on Monday, October 3rd.

Mr. Harrington then discussed the Board's proposed charter changes, noting that the 4 changes outlined in his letter dated September 29, 1994 can only be changed by a Charter Commission.

Mr. Joyce asked could the first article of Town Meeting be the budget review.

Mr. Harrington gave members a draft for a Special Town Meeting taken from the list of proposed charter changes drawn up by Mr. Blomgren.

Art. 1 - to elect Assessor, Town Clerk, Board of Appeals and Conservation Commission - came from subcommittee meetings.

Mr. Lawlor said that this impairs the lines of authority and diminishes the Town Manager's responsibilities and is an ill advised article. Mr. Blomgren noted that the Treasurer/Tax Collector is not included.

Motion by Mr. Joyce, seconded by Mr. Dalton, to amend Art. 1 to include Treasurer/Tax Collector. Vote was 3 in favor, 1 opposed (PVL).

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve Art. 1 as amended. Vote was 3 in favor, 1 opposed (PVL).

Art. 2 - appointing powers of BOS, including licensing committee.

Motion by Mr. Lawlor to approve, seconded by Mr. Dalton, unan. to approve.

Art. 3 - remove Finance Committee appointments from Moderator and make elected by Town Meeting reps.

Art. 4 - No. of FinCom members to be same as no. of precincts in Town effective August 1, 1995.

Mr. Harrington will re-draft these two articles for the October 3rd meeting.

Art. 5 - Mr. Lawlor and Mr. Joyce agree with the principle of

having votes recorded but question the methodology. It was discussed and decided to drop the number required to ask for a Roll Call vote from 40 to 18, so that any one precinct could request it.

Art. 6 - TM Rules Committee - Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Art. 7 - amend Capital Planning Committee to include one BOS member to make a 7 member board. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve.

Art. 8 - changing the Personnel Board. Mr. Lynch explained the Personnel Board function, that it has jurisdiction over all employees. Mr. Joyce said he will look into this further and place a Hold on this article for this Special TM.

Mr. Joyce commented that for a document that was said it would be really easy to change we are finding it not that easy.

We will discuss the Town Counsel contract at the meeting of October 3rd in Executive Session after the meeting in Executive Session.

At 6:45 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

John E. Gato

9025120
94 NOV -8 PM 2:53

Regular meeting of the Board of Selectmen held Monday, October 3, 1994. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:00 p.m.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim the month of October as Cultural Month and Mr. Joyce read the proclamation.
Pat Fitzpatrick, VCH of the Chelmsford Cultural Counsel, accepted the proclamation and told the BOS that each city and Town in the Commonwealth has a Cultural Council funded by the State lottery. She told of some of their scheduled programs: Oct. 11 - art classes at the Cultural Center; Oct. 15 - deadline for grants; Nov. 4 - Family Folk Concert; Dec. 3 - Angel Auction, a Fundraiser. They are asking the BOS for donations of angels - self portraits, etc.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim the week of October 9 - 15, 1994 as Fire Prevention Week. Fire Chief Jack Parow accepted the proclamation and noted that the rate of fires and deaths is increasing and asks everyone to test their smoke detectors during the week. He said there will be an Open House at the Center Fire Station on Saturday, October 16th, and urged residents to come and see their equipment and demonstrations.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to grant two Roadside Vendor's licenses to Gregory Spring, one at 116 Chelmsford Street (Skip's) and one at 55 Graniteville Road (Sully's). This will be the 7th year he has had these licenses to sell Christmas trees in December.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to use a form of the Roadside Vendor's application for all appropriate licenses (Auctioneer's, etc.)

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to grant a one-day Auctioneer's license to Empire Oriental Rugs Inc. for Saturday, October 16th, at the Chelmsford Elks.

Mr. Lynch then reported on his FY95 budget:

Starting Figure (Shortfall)	- \$ 12,554.
Revised Cherry Sheet	- 150,977.
Overlay Deficit Increase	- 282,714.
Appropriation Deficits	- 97,161.
Subtotal	- \$543,406.

Late Bill Article	- \$ 35,512.
Education Balance	- 112,000.
Retirement Decrease	- 200,000.

Total	- \$490,918
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Mr. Lynch said our **Free Cash is certified for \$1,595,518.00** which is the largest received since 1981. We have been very aggressive in our collection of back taxes.

He then presented the allocation plan:

Free Cash Allocation: **\$1,595,518.**

Allocation Plan

Budget Adjustment	\$490,018.
Tax Reduction	189,992.
Stabilization Fund	915,380.

The tax reduction figure comes from savings in the Trash account, departmental savings and the total Stabilization fund will increase to \$1.4 million.

The BOS congratulated Mr. Lynch for a good job with the budget figures.

Motion by Mr. Brem, seconded by Mr. Dalton, unan. to request the Town Manager to adjust the figures to put \$250,000 in tax reduction, giving an app. \$20.00 savings to each homeowner for FY95. Mr. Joyce said that we need to realize that this is only for one year.

Under **Selectmen Referrals** Mr. Dalton said that the streetlight is still missing on **Dartmouth Street**.

Mr. Blomgren asked what was happening on **Queen Street** and Mr. Lynch said we have sent a letter to **Billerica Town Administrator Bob Mercier**, with a copy to **NMCOG**, asking them to keep the **Chelmsford Boards** informed on the proposed wood processing plant going in **Billerica**. Mr. Dalton said he is concerned that the BOS wasn't notified but the **Planning Board** was. They should notify us when they hear of an issue of this size.

Motion by Mr. Brem to send a letter to our **Planning Board** to send us all notices from other communities and any action the **Planning Board** plans to take or any recommendations. Mr. Lawlor amended the motion to include asking **Boards of Appeals** and **Planning Boards** in other Towns to send us their notices. Amended motion seconded by Mr. Dalton, unan.

Attorney Dennis McHugh then addressed the Board, stating that he represents **George and Rosalie Kalos** in their application for a **Wine and Malt Beverages Package Goods Store** license at **61 Central Square**, a **3600 sq. ft. retail space** zoned **CD**, now a **video rental and convenience store** known as **East Coast Video**. They will have one **8 foot refrigerator** opposite the cashier's counter at the far end of the store. There will be no window advertising and no anticipated increase in traffic. They are looking for a lower volume of alcoholic sales at a higher price and are not looking for a higher volume of

sales. All the staff would be over 21 and would work with the TIPS program. The refrigerator would be kept lock when not in operation and this is a highly policed area of Town. The Kaloses are careful about carding for age even for video rentals and this policy would not change.

Mr. McHugh continued that there are only two other Beer & Wine stores in Town, Ted's Market and Cedar House. It is not their plan to create a liquor store - this would be a modest enhancement to their existing business. He told the BOS that two green return receipt cards have not been returned, Shawmut Bank and Peter Markham Real Estate.

Mr. Blomgren asked for anyone to speak in support of or in opposition to this application.

Sheila Pichette, 26 Shedd Lane spoke in opposition to the license, stating that this could set a precedent for convenience stores. A video store would attract younger people and there would be more traffic.

Rev. Clinton Barlow of the Central Baptist Church had sent a letter opposing this license and quoted from his letter dated September 30, 1994 stating that they are concerned that the availability of wine and beer within walking distance of the Common will add to the increased use and abuse of alcoholic consumption on the Common; increased traffic in the center of Town and increased patrolling by police; the nature of the store will change from a family store to a place where young children will see people purchasing alcohol; there are already enough stores from which to purchase beer and wine in the immediate area and this is not a proper activity to take place within the Historic District.

Robert Normandin, 7 Bowl Road said he has four major concerns the need for a license - there is a package store 1/3 mile away; as Past President of the Mass. State Liquor Association he feels that the selling of alcoholic beverages should be the most important purpose for the store owner; the location has limited parking and major traffic problems and beer delivery trucks would add to this; and special considerations are that they are near the common and Town functions and that this is the heart of the Church District in Town.

Attorney McHugh questioned Rev. Barlow's letter, stating that the problems of traffic and public drinking on the Common are brought on by others, not the petitioner, and that as far as delivery trucks coming at busy times, an 8 foot refrigerator will not require deliveries very often. His clients would accept restrictions placed by the BOS but they shouldn't be punished by other people's litter.

Dennis Ready, 2 Abbott Lane, asked what percentage of the business do you think will be beer & wine sales? and Mr. McHugh said they anticipate about 15%.

Mr. Lawlor then said it is the Board's custom to wait until the Board's next meeting to vote on liquor licenses and Mr. Blomgren said they know they are in the Historic District re signage, etc. Mr. Blomgren asked if the petitioners have any experience in serving or selling alcohol, and Mr. McHugh said No, but they would go to TIPS meetings. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to table the discussion until the next regular meeting on October 17th.

Under New Business Mr. Lawlor said the Friends of the Park had a Walkathon of 2 1/2 miles yesterday and about 60 took part. They are also selling engraved bricks for a walkway, which is a worthwhile cause.

Mr. Brem reported that the LWV is holding a Forum Wednesday at 8:00 p.m. at the Senior Center on the proposed Charter changes for the Special Town Meeting called for October 24th.

Mr. Brem said that the Center School Building Committee now have the plans and models prepared by the architects and they did an excellent job. It is similar to the plan presented at Town Meeting. We have moved up on the State's list to #17 and we could get reimbursement much earlier from the State, maybe in 1998 or before we spend it. They will be presenting something informal at the Fall Town Meeting.

The Board then held a Public Hearing on the application of Bertucci's Restaurant Inc. d/b/a Bertucci's Brick Oven Pizzeria for an All Alcoholic Common Victualer's license to be exercised on the premises at 14-34 Littleton Road.

Mr. Lawlor left the room for this hearing due to a possible conflict of interest.

Michael DiGuiseppe representing Bertucci's said that it is a New England based company and they want to lease 4600 sq. ft. at Ginger Ale Plaza, 14-34 Littleton Road, an L-shaped mall. This will be a limited service restaurant, not as large as most of their others, but with a full menu. There are 2 similar restaurants in Lexington and Andover. They are applying for a Common Victualer and an All Alcoholic Common Victualer license. The restaurant is a national chain with 70 restaurants located in 13 states. They do 8 - 11% of their sales in alcoholic and Bertucci's now has a regional office for training in alcohol service.

Brenda Crawford, 40 Littleton Road, asked about hours of operation and Mr. DiGuiseppe said 11 am - 10 pm during the week and sometimes 12 midnight on Friday and Saturday and 11 pm on Sundays. Mr. DiGuiseppe said the majority of their restaurants.

Mr. Joyce questioned parking and Mr. DiGuiseppe said that

they anticipate a lot of takeout and delivery service with 39 tables and seating for 120 persons.

Mr. Brem asked who would be the manager of record and was told that he is on vacation but will be spending app. 20 hours per week in Chelmsford and is managing a couple of restaurants. There will also be at least two assistant managers. He said that the company assigns managers and assistant managers and Mr. Brem asked if we could have their names by December.

Mr. DiGuiseppe added that owner Jim Maum has a sign program and is asking for no waivers and will conform with the local by-laws.

Mr. Brem asked about a grease trap for the system and Mr. DiGuiseppe said all the restaurants do have traps but do no frying on the premises and they have a maintenance program for grease traps.

Mr. DiGuiseppe said they **hope to open by the end of the year** and asked if the Board could waive their policy of delaying the vote until the next meeting, since it a hardship on Bertucci's - getting their lease signed is contingent upon getting their approval for a liquor license.

Mr. Brem noted that it is the Board's policy to wait two weeks, that we have only granted two waivers in the past two years and they were for unusual circumstances.

Mr. Blomgren stepped down from the Chair and **moved to waive the policy of 2 weeks**, noting that Bertucci's is a reputable outfit and its reputation speaks for itself. Motion seconded by Mr. Dalton, vote was 3 in favor, 1 opposed (JAB), 1 abstention (PVL).

Motion by Mr. Blomgren, seconded by Mr. Dalton, to **approve the Common Victualer and All Alcoholic Common Victualer licenses for Bertucci's with the following restrictions:**

1. ASAP provide the names of the managers to this office;
2. List hours as stated on the petition on the license;
3. Seating limited to 120 seats.

Vote was 4 in favor, 1 abstention (PVL).

Mr. Lawlor re-joined the meeting.

A Public Hearing had been scheduled on the application for a Common Victualer's license by A Place 4 U but the applicants were not present.

Motion by Mr. Brem, seconded by Mr. Joyce, unan. to **continue this public hearing to October 17, 1994 at 7:00 p.m.** at the Senior Center, 75 Groton Road.

Mr. Lynch then went over the **warrant articles for the Special Town Meeting on October 24th:**

Art. 1: to have the Assessors, Town Clerk, Treasurer/Collector, Board of Appeals and Conservation Commission elected rather than appointed. Motion by Mr. Joyce, seconded

by Mr. Dalton, to include this article, Vote was 3 in favor, 2 opposed (PVL and JAB).

Art. 2: appointing powers of BOS: motion by Mr. Brem, seconded by Mr. Joyce for discussion to amend the article by deleting licensing committee, saying that one of the Board's primary functions is licensing. After discussion, motion by Mr. Joyce, seconded by Mr. Dalton, unan. to include the motion as amended.

Art. 3: deleting the appointing powers of the moderator. Motion by Mr. Brem, seconded by Mr. Joyce, to include. Mr. Lawlor asked to amend the motion to include that if Article 4 is not voted on affirmatively any affirmative vote under Art. 3 becomes a nullity. Vote on the amended motion was unanimously in favor.

Art. 4: Finance Committee to consist of Town Meeting Reps.: motion by Mr. Brem, seconded by Mr. Dalton for discussion to include. Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to amend to state for a 3 year term. Vote on motion to include amended article 4 on warrant was unanimously in favor.

Art. 5: 18 TM reps needed to call for Roll Call vote. Motion to include Art. 5 on warrant by Mr. Joyce, seconded by Mr. Dalton, unan.

Art. 6: Town Meeting Review Committee - motion by Mr. Joyce seconded by Mr. Dalton, to include on warrant. Vote was 3 in favor, 2 opposed (JAB and PVL).

Art. 7: Capital Planning Committee: motion by Mr. Joyce, seconded by Mr. Dalton to amend to include a member of the BOS. Vote on the amendment was 4 in favor, 1 opposed (JAB).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to vote to approve the STM Warrant as amended.

At 9:35 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Executive Session to discuss collective bargaining and pending litigation. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

For the Board of Selectmen, by

John E. Carter

RECEIVED
SUNDAY 8 PM 2:53
Special Meeting of the Board of Selectmen of the Town of Chelmsford held Tuesday, October 11, 1994 at 7:00 a.m. in Room 110, Town Offices. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor.

Mr. Blomgren said the purpose of the meeting is to vote to call for a Public Hearing to discuss the articles on the Special Town Meeting Warrant pertaining to Charter amendments.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to call a Public Hearing on Tuesday, October 18, 1994 at 7:30 p.m. in Room 204, Town Offices for the presentation of proposed amendments to the Town Charter.

The BOS will vote on articles on the warrants on Monday, October 17 prior to Town Meeting or at the Work Session of the BOS scheduled for Thursday, October 13, 1994 in Room 110, Town Offices, if there is time after the BOS discussed FY95 goals.

At 7:10 a.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

William F. Dalton, Clerk

Work Session of the Board of Selectmen held Thursday, October 13, 1994 at 6:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, and Peter V. Lawlor. Selectman Jeffrey A. Brem joined the meeting at 6:20 p.m. Town Manager Bernard Lynch was also present.

The BOS went through the warrant and determined who would speak on each. Mr. Blomgren said he will speak on STM Articles 1, 2 and 3 at the Public Hearing to be held on October 18th and gave the Board a handout of what he is going to use at that hearing. He will present the articles and then look for feedback. M. Lawlor said that he should be objective. Mr. Blomgren expects between 25 - 50 people.

Mr. Blomgren then handed out copies of the FY95 goals, ranked by the BOS and the Town Manager. He noted that the rankings changed when Mr. Joyce submitted his. It was decided that the Town Manager contract can come off the list since it has been settled. It was agreed that 10 goals is a manageable number. Goals were listed as follows:

Preparing FY96 Budget
Developing a Five-year Plan
Capital Planning Program
Analyzing Economic Development Programs
Assisting in Plans for Library Expansion
Feasibility of a Town-owned Ambulance
Town/School Sharing of Resources
Improving Citizen Relations
Expansion of Community Services Programs
Continue to Look Into Central Square Improvements

Mr. Lynch said that the we have no choice in the top 3 - they have to take priority.

Economic Development - rate setting, permitting, marketing and selling of the Town. Sewer Project

Library Expansion - the Town Manager and Town Meeting approve the contracts - the Town Manager develops financing and grant awards

Town-wide Ambulance - Mr. Lawlor said we're putting the cart in front of the horse and Mr. Dalton said that Chief Parow has a plan. Mr. Lynch said we will have to do a feasibility study.

Resource Sharing - Town and Schools

Enhanced Citizen Relations

Community Services

Central Square Traffic Improvement

54 OCT 26 AM 11:24
3. EVER

Mr. Lynch said that two items the BOS has not included in the top 10 are **Cable TV contract** - the contract has to be awarded by next September and **Labor Negotiations** - all contracts run out on June 30, 1995.

Mr. Blomgren said that re the **ambulance** the Town Manager will have to shape and mold goals and Mr. Brem said we need a report from the Town Manager as to his recommendation and the feasibility.

On the **Library** we'd like to see a new library but to finance it without adding to the tax rate and asked Mr. Lynch to look at Debt Service.

Mr. Brem said he would move the **Cable TV contract** up on the list and Mr. Lynch said we can **drop Community Service** down since they are up and running.

Mr. Blomgren asked Mr. Lynch to take these 10 goals and give the BOS the essence of them.

The Board then went over the warrant articles for the October 17th Town meeting.

Mr. Lawlor asked that on all sale of Town-owned land articles that we have a **determination** from Town Counsel and the **Building Inspector** as to whether or not they are buildable lots.

We will ask a rep from the **Traffic and Safety Committee** to attend our meeting on Oct. 17 to explain the **Corner Clearance Article**.

The BOS will hold on voting on recommendations on the **Special TM articles** until after the **Public Hearing** on October 18th.

The following Article Recommendations were voted by the BOS:

Art. 1	To Hear Reports	Unan. to Recommend
Art. 2	Sewer Easements	Unan. to Recommend
Art. 3	Town Land - 4th Avenue	Unan. to Recommend
Art. 4	Town Land - 12th Street	Unan. to Recommend
Art. 5	Town Land - off Groton Road	Defer to Town Meeting
Art. 6	Safety Reflectors	Defer to TM
Art. 7	Corner Clearance	Defer to TM

Art. 8	Underground Utility Wiring	Defer to TM
Art. 9	Pond Street	Defer to TM
Art.10	Zoning By-law - Barber Pole	Unan. to Recommend
Art.11	Zoning - Motor Vehicle Rental	Defer to TM (4 - 0 JAB abstained
Art.12	Zoning Change - Mill Road	Unan. to Recommend
Art.13	Special Ed Reimbursement	Unan. to Recommend
Art.14	Medicaid Reimbursement	Unan. to Recommend
Art.15	Amend School Dept. Budget	Unan. to Recommend
Art.16	Lower County Retirement Payment	Unan. to Recommend
Art.17	Pay Bills of Previous Years	Unan. to Recommend
Art.18	Transfer to Stabilization Fund	Unan. to Recommend
Art.19	Issue Free Cash to Reduce Tax Rate	Unan. to Recommend
Art.20	Issue Free Cash to Balance Budget	Unan. to Recommend

Mr. Blomgren gave out drafts of the proposed Town Manager Job Description to be voted on at the next Regular Meeting.

At 7:15 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Cate

Regular meeting of the Board of Selectmen held Monday, October 17, 1994 at 6:30 p.m. at the Senior Center. Members present were: Roger A. Blomgren, Robert P. Joyce, Jeffrey A. Brem and Peter V. Lawlor. Selectman William F. Dalton arrived at 6:55 p.m. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 6:40 p.m. noting that Selectman Dalton was not yet present.

Mr. Joyce asked to defer approval of the minutes to the next regular meeting.

Under Town Manager Reports, Mr. Lynch reported that re the wood processing plant in Billerica was voted by Town Meeting but he has heard that it may be coming up again tomorrow night for reconsideration. Town Moderator Dennis McHugh who was present said that their Moderator said that the article passed as a zoning change but he did not get the 2/3 vote. Mr. Lynch said he heard that they allowed the zone but not the site.

He also reported that the Fire Department had a very successful Open House over the weekend, giving residents a change to see the equipment and meet the firemen.

Mr. Lynch reported that under Contract Awards, he has two items that were re-bid: Gradall hire, again bid by Gilet Equip. and Tryco Corp. with the same bids as before. Motion by Mr. Joyce, seconded by Mr. Lawlor, unan. to award the bid to Gilet as low bidder. The streetsweeping bid was Zebra Sweeping at \$55/hr and American Streetsweeping at \$60/hr. Motion by Mr. Joyce, seconded by Mr. Lawlor, unan. to award the bid to the low bidder.

Motion by Mr. Lawlor, seconded by Mr. Joyce, unan. to approve the application of the Central Congo Church for a Roadside Vendor's license to sell Christmas trees and wreaths from December 2 - December 24, 1994.

Mr. Dalton joined the meeting at 6:55 p.m.

Mr. Blomgren re-opened the Public Hearing on East Coast Video's application for a Wine and Malt Package Goods Store license to be exercised on the premises at 61 Central Square. Mr. Joyce moved, seconded by Mr. Lawlor to close the hearing. Mr. Joyce moved, seconded by Mr. Lawlor to rescind the previous motion to enter two new items into the record. Mr. Lawlor noted that we have received a call from Sandra Brodie and her husband stating that they oppose the granting of this license and also that we have information regarding the rights of a church or school within 500 feet of an application for any type of alcohol.

94 OCT 26 AM 11:24

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to close the Public Hearing.

Mr. Lawlor summed up the hearing, saying that we have heard the applicant and his counsel describe what they have in mind, the location of the cooler, that they are not changing from a video store to a Beer and Wine store, this is just an adjunct to their business. We have heard from the pastor of the Central Baptist Church and other Town residents, and we as a Board have to decide in light of all the facts. what we should do.

Mr. Lawlor then made a motion to deny the application and as a part of the motion asked the BOS to adopt the following subsidiary findings of fact:

1. public convenience would not be served by licensing this property because of the proximity of other stores offering the same products;
2. the Board of Selectmen finds as a matter of fact that this proposed license location is in close proximity to not only several houses of worship (who have forwarded to the Board their protests) but also to the Town Common;
3. if the BOS licenses this establishment it raises concern on our part about the number of young people who patronize the establishment for video rentals and would be exposed to the selling of alcoholic beverages.

All findings of fact notwithstanding the fact is that the applicants are very upright, responsible business people in the community and the findings do not reflected upon them as business people but rather upon their current location. Mr. Brem noted that the fact that we have received written response from a church should be added as a finding of fact.

Mr. Lawlor's motion to deny was seconded by Mr. Dalton. Mr. Brem said we would set forth a precedent if we voted in favor of this since they also have a video store. We license to stores that are selling predominantly selling beer and wine or liquor. This decision is not a reflection on the applicants - given a different location we would like to give them a license because they're good citizens.

Vote on the motion was unanimously in favor to deny East Coast Video's application for a Wine and Malt Beverages Package Goods Store.

The Board then discussed Warrant Articles. Jim Pearson was present representing the Traffic and Safety Committee spoke to the Board on Article 7 - the Corner Clearance By-law. This has been proposed for the past three years and would involve intersections with major roads - Acton Road, Westford

Street and Gorham Street. This corner concept came up during the time we had the Shared Traffic Engineer program and is now recommended by the T&S Committee and the Police Dept. They have received copies of this type of by-law from several different towns. There would be a 30' foot set back on each intersecting street to be kept clear of bushes and trees. The site distance is basically 10 times the speed limit - 300 feet for a 30 mph zone. Mr. Lawlor commented that this is a safety article, not zoning and we probably have the right to do this without an article but it will be easier to enforce this way. Mr. Pearson said the Planning Board has just revised their site distance requirements.

On the Pond Street article Mr. Pearson said that he opposes it this time because Acton Road and Maple Road are very dangerous and we can't send additional traffic that way. We could pave Pond Street and just use it as a beach in the summer or we could move the little convenience store back into their parking lot. Mr. Blomgren said that a resident called him last summer asking for this article but the resident has since moved away and no one from the VIA has contacted him. Mr. Dalton said there is also a fire and safety danger closing Pond Street. Mr. Blomgren stepped down from the chair and moved to withdraw article 9 since no one is speaking on its behalf. Motion seconded by Mr. Dalton, all in favor. Mr. Blomgren took back the chair.

The Board then held a Public Hearing on the application of Grace and Troy Taddeo for a Common Victualer's license to be operated on the premises at 75 Summer Street to be known as A Place 4 U. Mr. Joyce did not sit on this hearing since it may be a conflict of interest as he is a tenant in the same building. Ms. Taddeo told the Board that she wants to open a restaurant serving breakfast, lunch and dinner, all gourmet food, with specials for Senior Citizens and kids under 12 for free. They are doing all their own food and a breakfast brunch on Sundays. They will seat 30 -32 persons, and the hours requested are 7 am - 9 pm weekdays and 9 am - 3 pm Sundays. Mr. Brem asked about Kosher food and Ms. Taddeo said she feels there is a need for it and will do some. She will turn in the Green Return Receipt cards tomorrow.

No one present wished to speak in favor of or opposition to the granting of this Common Victualer license.

Motion by Mr. Lawlor, seconded by Mr. Dalton to approve the granting of a Common Victualer license to Grace and Troy Taddeo d/b/a A Place 4 U, 75 Summer Street with a maximum seating capacity of 30, and hours of 7 am - 9 pm. Vote was 4 - 0, unan.,

Motion by Mr. Brem, seconded by Mr. Dalton, to re-open the Public Hearing and add to Mr. Lawlor's motion to grant "and

contingent upon compliance with ADA standards." Vote on motion to amend was 4 - 0.
Motion by Mr. Dalton, seconded by Mr. Brem, to close the Public Hearing, Vote was 4 - 0 to do so.

Mr. Joyce re-joined the meeting.

The Board was reminded of the Public Hearing on the proposed Charter Amendments tomorrow night at 7:30 p.m. in Room 204, Town Offices.

At 7:25 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn to the Fall Annual Town Meeting

For the Board of Selectmen, by

Judith E. Carter

Public Hearing held by the Board of Selectmen on Tuesday, October 18, 1994 for the purpose of considering amendments to the Town of Chelmsford Charter to be proposed to the Town Meeting under Articles 1, 2 and 3 of the warrant for the Special Town Meeting to be held on October 24, 1994. Members present were: Roger A. Blomgren, Peter V. Lawlor and William F. Dalton. Selectmen Robert P. Joyce and Jeffrey A. Brem were unable to attend.

Chairman Blomgren called the hearing to order at 7:30 p.m. and said that under MCL CH34B for any by-law amendments to the Charter a Public Hearing must be held prior to Town Meeting.

Mr. Blomgren explained the process the Board has gone through that in Fall 1993 a subcommittee of the BOS was formed, input was taken during a series of Public meetings during Fall 1993/Spring 1994 and in Summer 1994 the BOS Subcommittee submitted their report. In Fall 1994 the BOS presents recommendations to Town Meeting. He quoted some of the input received during the public meetings. Mr. Blomgren said that Town Counsel has helped in clarifying what articles could go directly on the warrant and eventually on a ballot without public hearings.

Article 1: To Re-establish Elected Offices: Assessor, Town Clerk, Treasurer/Tax Collector, Board of Appeals and Conservation Commission.

Mr. Blomgren called for a brief recess for a minor disturbance in the meeting room.

Mr. Blomgren then continued the hearing noting that the top 3 offices have administrative/fiduciary duties. Mr. Lawlor said that this was not recommended by the subcommittee since they would undercut the current Town Manager form of government. These positions now have reporting responsible to the manager and the Charter puts him on the line. If we expect these people to be responsible to the Manager he should choose them. Mr. Lawlor has spoken to all 3 currently in these positions and none of them want to return to being elected. The Board of Appeals and Cons.Comm. are permitting committees and he feels less strongly about these positions being elected.

Phyllis Elias, Prec.9, said she has heard that the BOS has lost a lot of appointing powers. As an elected Board you've given up your right to have any input - the Charter says the TM appoints and the BOS approves.

Mr. Blomgren said the issue is what is right for the Town. If you all agree and Town Meeting passes these 1st 3 amendments they will be put on the ballot for the April election.

54 OCT 26 AM 11:24

Bev Koltookian, Prec. 4, asked what are the reasons for this (having positions elected again) and Mr. Blomgren said accountability and authority - some people say they feel a lot closer to the Town when these positions are elected; however, others say the Town is better today, more professionally run.

Glen Thoren, Prec. 5, said it is commendable that the Board is listening to all sides. He agrees with Mr. Lawlor that the 1st 3 positions should be appointed but has heard that the Bd. Appeals and Consv. Comm. might want to be elected. Mr. Blomgren said that we can amend the list by taking from it but we can't add to it. This may be a case where a menu ballot is needed.

Cheryl Boss, Prec. 8, said when people questioned the first 3 positions being elected were they aware that these are professional positions, not policy making, and asked Mr. Blomgren if he enlightened people as to what these positions are. Mr. Blomgren said this will be done through dialogue at Town Meeting.

George Ripsom, Prec. 4 said that as a Board you have included these articles for consideration, but who is the proponent, who will explain why an Assessor might better be elected than hired. Mr. Lawlor said we are split among Board members - were we just conduits or were we to take it and screen it - it is inherently up to us to advocate for them. Mr. Blomgren said that most here know what these positions do today, and they now have accountability to the Town Manager.

Ed Cady, Prec. 9, noted that even if this were passed Monday it would still have to go before the voters.

Cheryl Boss asked how the BOS is going to speak as proponents if not all of you believe in this? Mr. Blomgren said that proponents are bodies we listen to during campaigns and public forums.

Liz Marshall, Prec. 6, said she came to a hearing to talk about the pros and cons of the articles, if this is not the time she will save her comments for Town Meeting floor.

Mr. Blomgren said if you're not satisfied with an Assessor you could vote to elect. That way the reporting and accountability could be more attuned to the average taxpayer.

Richard DeFreitas, former Selectman, asked if there is a majority of the BOS in favor of each of these being elected - maybe all 5 might be in favor of 2 or 3 of the positions.

Glen Thoren said he perceives that the BOS is more in favor of giving the Town the right to choose than that they don't

agree with the process now. Mr. Blomgren said some may feel that we're more than just a conduit.

Bev Koltookian said she wonders how people feel in these positions - we have to have highly qualified people and if elected they might not have the accountability. Mr. Blomgren compared it to the Register of Deeds position and Ms. Koltookian said that many people feel that position shouldn't be elected - her concern is the qualifications of the people who might run if these positions were elected.

Cheryl Boss said she keeps hearing that if they're elected they would be accountable to the people but they may not be at all qualified and have no accountability on a daily basis.

Ed Marshall, Prec. 6, said only the ability to get elected is the only qualification, and they are only accountable to the voters every three years.

George Ripsom said that the Board of Appeals and Conservation Commission appointments might well be discussed.

James Geary, CH of the Charter Commission, said that the Commission did have input from these offices and there was not much debate, most thought these functions led to the appointed process. The Consv. Comm. members have said they probably wouldn't run if they had to be elected and in the long view they and the Board of Appeals members have served the Town well as appointed officials.

Tom Moran, Prec. 3, said we would lose a lot of good people if they had to be elected, and he wouldn't go through a campaign.

Ed Marshall said he thinks the Consv.Comm. should be appointed by the BOS and Mr. Blomgren told him that the Town Manager presents the nominations, which have to be approved by the BOS.

Tom Moran thinks they should withdraw Article 1.

Jean Piper, Prec. 9 asked if the BOS has proof that if by appointing these positions they do not work as well and said that she has seen no proof that it hasn't worked well in the past 5 years.

Joseph B. Shanahan, Jr. said he sat on the BOS many years ago and the Appeals Bd. and the Consv. Comm. were BOS appointed. They were all qualified people but were political appointments. We will never see a well-rounded BOS that is not political. The present Conservation Commission has excellent, diverse members and "if it ain't broke why fix it?" He has also heard some appointed members of these boards say they wouldn't run for office. He hasn't seen a good

argument that appointing hasn't worked, and why risk losing competent people.

Phyllis Elias asked if at Town Meeting we could take each position individually and Mr. Blomgren said we could do it through amendments to the article.

George Ripsom asked if the BOS voted to have these articles withdrawn how many people here would vote in favor, and the hand count was app. 16 in favor, 3 opposed.

Hal Matzkin, Prec. 3 said that maybe the last two positions on the list should be BOS appointments.

Mr. Blomgren said that there are app. 20 people here tonight, all active in Town, and he has seen very few positive aspects in making these offices elected again.

Joe Shanahan commented that the Board of Appeals and Conservation Commission have never been elected in this Town.

Cheryl Boss said the heading says to re-establish elected offices.

Dick DeFreitas asked if any thought had been given to making each position a separate warrant article, and Mr. Blomgren said he can't give him a good answer.

Glen Thoren asked him to ask Town Counsel if there is an amendment process so all 5 can be voted on separately.

Article 2: To allow the BOS to Appoint Policy Advisory Committees

Mr. Blomgren said this has been tried twice before, under Selectmen Chairmen Ready and Logan. He said that now under the Charter only the Town Manager can appoint committees and we have wanted the BOS to be able to appoint policy advisory committees. Now the Town Manager appoints and the BOS approves - public safety, ambulance, solid waste advisory or study committees.

Mr. Lawlor said he endorses this article - we should do our homework based on findings from people we feel are qualified.

George Ripsom asked why does the BOS not feel it can get a qualified group to advise - what precludes this being done by the BOS? Mr. Blomgren told him the Charter.

Hal Matzkin said he has talked to two Selectmen and the Town Manager and all the answers are different. We have voted against this article twice - it would be helpful to outline what committees would be affected - standing committees should be appointed by the Town Manager. Mr. Lawlor said

none would be affected.

Ed Cady asked why they can't ask the Town Manager to appoint the committee that the BOS wants - it still has to be approved by the Board.

Mr. Blomgren said this could put the Town Manager in a compromising position and Mr. Lawlor noted under the Charter Sec. 4-2, the appointing powers of the Town Manager, and Sec.3-2c - the limited appointment powers of the BOS.

Cheryl Bsss said she has a question for Town Counsel - why has no one formed a subcommittee of the BOS and put citizens at large on it. She has wondered about this for the past five years. Mr. Blomgren said he will ask Town Counsel.

Liz Marshall said she understands the intent of the article but the language is too vague and she wants to see more specific language. She thinks it is an Ad Hoc Advisory Committee to the BOS and Mr. Lawlor said this is the intent. Mr. Blomgren said he will ask Town Counsel on this, too and Ms. Marshall said she would support the intention of the article.

Article 3: To Allow Town Meeting vs. the Moderator to Appoint Finance Committee Members

Mr. Blomgren said he is turning this over to Mr. Lawlor, who said that he and Mr. Blomgren both sat on the Finance Committee and there is no logic as to why the Moderator appoints. The job of the FinCom is to advise the Town Meeting on articles, both financial and otherwise. He said this article raises all sorts of issues - what if there were not enough people interested - how would Town Meeting members sit on the FinCom.

Cheryl Boss said that since the Moderator runs Town Meeting it makes sense for him to appoint the FinCom people to advise Town Meeting. She has researched Towns who elected FinComs on ballots and found that the majority were appointed and most of them appointed by the Moderator.

Mr. Lawlor said that maybe it should be the Town Manager's job to appoint. Ed Marshall noted that there are at least 5 former FinCom Chairmen here.

Ed Cady asked wouldn't it be very cumbersome for Town Meeting Reps to appoint each other, and Mr. Blomgren said that people taking on these roles know what they have to do.

Liz Marshall said as a former CH of the FinCom that Town Meeting looked to us a part of the establishment, not as their friends. The pool of Town Meeting Reps is too small - FinCom is a grueling job with an enormous commitment. When

appointment powers come from a lot of different directions the chances of getting a diverse, competent and balanced board very slim.

George Ripsom said the Town Moderator is one of the few positions standing for election by the entire Town, not members by small groups. He has maintained a good balance through the years, which should be the objective of these appointments.

Mr. Blomgren said the whole process could take 3 years to shape and mold and Cheryl Boss said it hasn't happened in 5 years.

Hal Matzkin said he has only seen one Town Meeting member attend FinCom meetings in his years on the committee.

Evelyn Thoren, Prec. 5, asked what is the process to elect going to be and was told staggered terms.

Mr. Lawlor commented that this article may be premature - the intent is good but it is not operational.

Mr. Ripsom questioned Article 4, noting that it should be amended to read contingent upon valid amendment to Article 3, not 4.

Dwight Hayward, Prec. 7, said that 3 out of 5 FinComs in the State are appointed by the Moderator. Some have Town-wide appointments, but non precinct based. Experience has shown that it takes about two years to become an effective member of the FinCom.

Mr. Blomgren closed the hearing at 9:10 p.m. and told those present that he would stay to discuss other articles if any one wished to do so.

For the Board of Selectmen, by

Jed E. Carter

94 NOV -8 PM 2:53

Regular meeting of the Board of Selectmen held Monday, October 24, 1994 at 6:30 p.m. at the Senior Center. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Mr. Blomgren called the meeting to order and asked for approval of minutes:

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the meeting of October 17, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the Work Session of October 11, 1994.

Motion by Mr. Dalton, seconded by Mr. Lawlor to approve the minutes of the Public Hearing on October 18th. Vote was 3 in favor, 2 abstentions (RPJ and JAB).

The Board briefly discussed the process for Classification and Mr. Lynch said he will have the Assessors reports to them this week. Mr. Dalton asked for a total of all abatements - both residential and commercial - to see how a shift affects residential. Mr. Lynch said that reevaluation will be the big factor this year.

At 6:45 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn to Executive Session to discuss contractual negotiations. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye; RAB-Aye.

At 7:00 p.m. the Board returned to Open Session and Mr. Brem left the meeting.

The Board then discussed recommendations on the articles on the Special Town Meeting warrant:

- Art. 1 - elected vs. appointed officials and boards - Motion by RPJ, second PVL for discussion to amend at TM to delete all except Assessors. After discussion Mr. Joyce withdrew his motion to amend saying he would do so on the floor. Motion RPJ, second WFD, to recommend with Consv. Comm. deleted. Vote was 3 in favor, 1 opposed (PVL).
- Art. 2 - BOS appointing authority - motion RPJ, second WFD, to recommend. Vote was 4 - 0 in favor.
- Art. 3 - TM to appoint FinCom - motion RPJ, second WFD, to recommend. Vote was 3 in favor, 1 opposed (PVL).
- Art. 4 - Finance Committee - last para. should read Art. 3, not 4 - motion RPJ, second WFD, to recommend. Vote was 3 in favor, 1 opposed (PVL). If Art. 3 fails, Art. 4 will be withdrawn.

Art. 5 - Roll Call Vote - motion RPJ, second WFD, to recommend.

Vote was 3 in favor, 1 opposed (PVL).

Art. 6 - Committee to Review Procedures - motion RPJ, second WFD, to recommend. Vote was 4 in favor.

Art. 7 - BOS member on Capital Planning Committee - motion RPJ, second WFD, to recommend. Vote was 4 in favor.

Mr. Blomgren gave the BOS copies of the slides he will present at TM.

It was noted that Charter change articles require a 2/3 vote, by-law changes only a majority.

Mr. Dalton said he has had a meeting with Bill Hahn, Veterans Services Director and asked if we would: do a proclamation re Veterans Day; do Certificate of Appreciation for Veteran of the Year; and send letter to Washington, EOCD and HUD showing concern that veterans services and benefits are being cut.

Mr. Blomgren asked the Town Manager to check as to when Graniteville Road is going to be striped.

Mr. Blomgren asked that letters be sent to churches in the Center asking what are their recommendations on Bertucci's license being issued and East Coast Video being denied.

At 7:30 p.m. motion by Mr. Joyce, seconded by Mr. Dalton to adjourn to Town Meeting. Vote was 4 in favor, none opposed.

For the Board of Selectmen, by

Marion D. Currie

95 JUN -5 PM 2:24

Regular meeting of the Board of Selectmen held Monday, November 7, 1994 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:05 P.M.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the following minutes:

September 26, 1994 (Reg. and 2 Exec. Sessions)

September 29, 1994 (Work Session)

October 3, 1994 (Reg. and Exec. Sessions)

October 11, 1994 (Special meeting)

October 24, 1994 (Reg. and Exec. Sessions)

Town Manager Bernard Lynch said we have been fielding a lot of calls re the leaf pickup last Saturday, that participation exceeded expectations. Stores ran out of leaf bags and Waste Management couldn't cover the whole Town on Saturday. As of tonight they have 1 1/2 more routes to go, and are pushing to get it finished.

Jeff Stallard, 146 Tyngsboro Road, spoke to the Board asking about the flags on the Vinal Square Common, noting that both the POW and US flags are in disrepair. Mr. Lynch said that the POW flag is being replaced and Bill Hahn, Director of Veterans' Services for the Chelmsford/Westford District, said that the DPW is painting all the flagpoles and will put up new flags by Veterans' Day.

Mr. Hahn then addressed the Board telling them that on Thursday veterans will be spending the day in the various schools, that the vets are touched by the students interest. The Chelmsford/Westford Council is holding a Public Forum Thursday night at the Old Town Hall and all veterans are welcome. On Friday, Veterans' Day, there will be a ceremony at 11 am at the Veterans Memorial Park. Mr. Hahn went over the significance of Veterans' Day and stated that his district has formed a collaborative with several area Towns and Lowell.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim Friday, November 11, 1994 as Veterans' day in the Town of Chelmsford. Mr. Joyce read the proclamation and presented it to Mr. Hahn.

Mr. Blomgren then presented a Certificate to Capt. George Ripsom (U.S. Navy Retired) as Chelmsford Citizen/Veteran of the year.

Mr. Lawlor read a Proclamation for the Hospice Program sponsored by the Lowell Visiting Nurse Association. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to proclaim

November, 1994 as Hospice Month.

Under Town Manager Reports, Mr. Lynch read the 10 goals for FY95 and reported on the progress of each of the goals. Mr. Joyce said it is an excellent format and perhaps we can have a workshop on this sometime. Mr. Lawlor asked the Town Manager to periodically update throughout the year and let the Board know when a goal has been achieved. Mr. Lynch said that he would like to report on his goals during his regular Town Manager reports. Mr. Lynch said he will do a Fiscal Forecast to the School and Finance Committees for the next 5 years at the November 21st meeting and will have the actual document ready in January, 1995.

On Halloween, Mr. Blomgren had requested reports from the Police and School Departments re holding the celebration on Sunday, rather than Monday. Mr. Lynch said that the School Dept. received no input from parents and he has the Police Chief's report which states that it was successful. Our office received a few mixed calls.

Mr. Joyce would like to see Trick or Treat eliminated and plan one town-wide community event, and would like to look into what some other communities do.

Mr. Brem said that we should contact neighboring communities several weeks in advance telling them what night we plan to celebrate, and Mr. Blomgren said we did this year and only Carlisle went along with us.

Mr. Blomgren concluded the discussion by stating that if Halloween is a weekday we will go with that night but if it is close to a weekend (Monday or Friday) we will go with the weekend.

Mr. Lawlor said that under BOS referrals he has asked to have the Building Inspector look at the containers in the back of Caldor's on Parkhurst Road. Mr. Lynch said the Bldg. Insp. has looked at this and is working with Caldor's to add on. He is not sure there are any code violations.

Mr. Joyce asked about the pedestrian markers in Vinal Square and Central Square, they are always falling over. Mr. Lynch said this is a state road and we have to put them on the side and is a DPW responsibility, not the Police Dept. Mr. Joyce asked that we keep the same, or add to, the sidewalk plowing list this winter, not eliminate anything.

Mr. Brem reminded voters that the polls are open from 7 am - 8 pm tomorrow.

Mr. Brem said he does not think that Vinal Square was striped properly and is still not right. He asked the DPW to look at it and report back to the BOS. Mr. Lynch reminded them that the BOS had approved the striping but could change when the lights are put in.

Mr. Blomgren again asked for Route 110 signage. He asked to have the T & S Committee attend our Nov. 21 meeting to talk

about Central Square. Mr. Lynch said they have appointed a Task Force to use the same strategy as they did with Vinal Square and he will ask them to come in the first of the year.

Under Appointments, Mr. Lynch said he has appointed Linda Prescott, 13 Lauderdale Road to the Historical Commission. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment.

Mr. Lynch said he has appointed Peter Pedulla to the Council on Aging. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment.

Mr. Lynch announced that there are two vacancies - one on the Historic District Commission and one on the Cultural Council.

Mr. Lynch said that the Friends of the Senior Center are looking for a BOS liaison and Mr. Blomgren said they want Mr. Joyce. Mr. Joyce said he will gladly serve as liaison.

Finance Director Fred Mansfield was present with 2 note sales to be approved and signed - one for \$2.8 mil and one for \$2.6 mil. BayBank was low bidder on both.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to

1. approve the sale of a \$2,842.00 4.75 Bond Anticipation note of the Town dated November 17, 1994 and payable November 17, 1995 to BayBank at par and accrued interest plus a premium of \$7,465.93;
2. approve the sale of a \$2,680.00 3.80 percent Bond Anticipation Note of the Town dated November 17, 1994 and payable March 23, 1995 to BayBank at par and accrued interest plus a premium of \$92.52. and
3. confirm the consent dated November 2, 1994 to the financial advisor bidding for the notes.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to grant a Roadside Vendor's license to Chelmsford Little League to sell Christmas Trees at their Rte. 110 ballfields.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to issue a 1-day All Alcoholic license to St. John's Church for an appreciation dinner on December 3, 1994.

Robert Ogden, Massachusetts Electric Company, was present with a petition to place one pole on the northwesterly side of North Road at Peachtree Lane. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve subject to the memo received from DPW Director Jim Pearson dated Nov. 7, 1994.

Carl Robinelli, PE, was present requesting aboveground storage on Ward Way of 3,000 gallons diesel fuel. Formerly there had been 10,000 gallons stored underground. They are going with a double-walled tank in accordance with 527 CRM9. It will be installed with the approval of the Fire Chief and the license will be held until the final inspection. Motion by Mr. Joyce, seconded by Mr. Dalton, to approve this

application for aboveground storage subject to the Fire Chief's memo. Vote was 4 in favor, 1 opposed (PVL).

Mr. Blomgren then opened the Public Hearing on Classification by showing slides of actions that affect the residential tax payer. Town Meeting Actions - the budget, Capital Planning and Warrant Articles; the Ballot - voters can choose overrides or debt exclusions; and the Board of Selectmen, who set the tax classification rate.

Mr. Blomgren then asked Diane Phillips, Head Assessor, and Town Manager Lynch what are the implications of classification.

Mr. Lynch said there were changes in evaluations throughout the Town the past several years and Ms. Phillips explained how values have changed. She said that the residential percentage has gone up 2 1/2% due to the decrease in commercial/industrial property. Commercial values are down 17.5% since 1992 and residential down 5.5% and commercial will be paying less percentage this year.

Ms Phillips said the reason for the drop in the commercial percentage is that values have declined, the vacancy rate is 28%, which is down from the past few years and the rents are 20% of what they were 5 years ago. Mr. Brem asked how do they evaluate commercial values and Ms. Phillips explained the process.

Dawn Luedecke, 418 Wellman Avenue, said she is looking for space and everyone is asking for triple net (utilities, taxes, condo fees).

Tom Mills, 21 Wagontrail Road, said if property was evaluated for \$100,000 last year it would be \$87,000 this year. If taxes on the average \$160,000 home go up \$240 that is an 11% increase with a 5% shift, and Mr. Lynch said may be a 9% increase.

Richard DeFreitas, 17 Carter Drive, spoke, urging the Board not to vote for any classification.

Mr. Brem asked what new growth does and Ms. Phillips explained that it increases the amount we can levy on taxes. Mr. Lawlor asked since we've had a sharp drop in commercial evaluations how might they have re-evaluated differently and Ms. Phillips said we have to use the same, approved method. Mr. Lynch said that we have additional expertise in the Assessors Office - along with Ms. Phillips we have added Bruce Symmes and Eric Josephson.

Re abatements, Ms. Phillips said that we have had a large increase in abatements due to the quick drop in the economy and the values only change every three years. Many of the larger taxpayers have gone to the Appellate Tax Board.

Mr. Blomgren commented that 92% of the abatements were

commercial and all 10,000 households will be bearing an extra \$140 in taxes due to their abatements with a 5 % shift. The only way to stop this increase would be to go to a 14% shift and both residential and commercial would be paying about the same as they've paid this year. Ms. Phillips said that business owners will see a decrease with a 5% shift.

Charles Parlee, 4 Proctor Road, asked if they have looked at the large businesses and the number of foreclosures.

David Cunha, 67 Parkhurst Road, said that when he bought this building there was a \$22,000 tax bill. No one would buy the building for 1 1/2 years and when he bought it from the bank for \$800,000 the tax bill was \$32,000. Ms. Phillips told him that it was an unfinished building at the time and it now is finished. Mr. Cunha said that the taxes went up two years ago and he has filed for abatements but never got one.

Ms. Phillips explained the abatement process: all a taxpayer has to do is to file for an abatement within 30 days after the 3rd quarter bills go out, and the Assessors have 90 days in which to answer. If denied the taxpayer has 90 days to go to the Appellate Tax Board. The Assessors will be glad to talk to anyone who wants to come in to see them.

James Doukaszewicz, former Treasurer/Tax Collector, gave a historic perspective stating that he never did believe in classification but exempted sewer costs are hitting people now. He had predicted that taxes would double by 1993 and the sewer cycle will start to peak next year. He said the approach should be to make taxation as fair as possible to all, and rather than wait 3 years to adjust commercial values try doing it yearly.

Dick DeFreitas spoke, stating that the boom in the 1980's kept the residential rate at 1 1/1% per year and the problem we now have is one of evaluation - we need new business. If the classification rate increases, property owners will increase rents, businesses will increase prices, people will shop in New Hampshire and businesses will close. We have to look at the ramifications of long term classifications.

Attorney Doug Hausler spoke on behalf of the Chelmsford Businessmen's Association, saying that they have 210 members and have always protested classification and thought last year that the BOS wanted to gradually eliminate classification. The CBA opposes it because:

1. no corresponding benefit is given to local business -trash, fire alarms, inspection fees all cost more than residential
2. we can't attract new business - similar towns all refuse to impose additional taxes. We are sending a contradictory message and showing public inconsistency.
3. division within Town - 90% of the business owners live

in Town and division is being sent as a message. We don't want the philosophy of the Town to be that the rights of the minority can be trampled by the rights of the majority. The CBA wants to acknowledge that the system is unfair and discriminatory. He asked if the BOS is planning to vote tonight and Mr. Blomgren said the Board is taking input and has to vote by Nov. 14th.

Mr. Blomgren then showed slides of neighboring Towns who do have classification and the different rates.

Tom Mills showed slides of his own tax bills, showing that they have gone up 44% in 5 years and at 7 1/2% increase each year will double by the year 2000. His proposal is to go for a \$3mil Override - first by petition and then as a ballot question, which would still allow an increase of 2% in taxes from last year. This would be a win/win situation.

An Override would mean that you can spend more than 2 1/2% and an Override would mean that you cut services by \$3 million.

Mr. Joyce asked if the schools would have to take a 60% cut and **Mr. Lynch** said that the School Reform Act says what we have to spend but we would have to cut police, fire, highway, administration - which is not realistic.

Brad Emerson, 30 Lantern Lane, said that increases in taxes are also paid by commercial properties - new businesses are still hurting and if we businessmen have survived the recession, we're still losing money.

Dawn Luedecke said there is a need for a fair system. She owns 2 businesses and a home in Town and as long as it is fair value she doesn't mind paying. We should re-value yearly.

Jason Reynolds, 37 Brentwood Road, says he has been talking to residents and businesses and Mr. Blomgren is making it us vs. them. At a minimum we should be fighting for equality and he thinks a majority of residents feel that way. He asked if a person runs a business from his home is it taxed as residential or commercial and Ms. Phillips said a few a taxed commercial if it is a substantial business and all pay personal property taxes on their fixtures and equipment.

William Logan, former Selectman, said that in 1991 the Board supported a group (Economic Development Partnership) to fill the vacant spaces which were at 47%. The EDP tries to reduce the vacancy rate and abatements and has brought the vacancy rate down to 28%. We are trying to bring back tax equality and the EDP wants the Board to keep the tax classification shift at 5% or lower. To increase the rate will hamper the intents of the EDP, the CBA, the BOS and the Town.

Arthur Blomgren, 16 Oak Knoll Avenue, a taxpayer and resident for over 70 years, asked the Board to have concern for the residents and their tax burden.

Mr. Dalton asked if we shifted to 14% what would the affect be on the average homeowner and Mr. Lynch said about a \$140 increase, compared to \$240 with a 5% shift. Ms. Phillips said that at 14% businesses would not be paying more than 1994 in the aggregate. Mr. DeFreitas commented that we could have short-term gratification that would lead to long term inequities.

Ronald Melbourne, 57 Amble Road said that fair is fair and that 14% still puts us below Andover, Burlington and Billerica.

At 9:30 p.m. motion by Mr. Joyce, seconded by Mr. Dalton. unan. to close the Public Hearing.

Mr. Dalton asked Mr. Lynch for his opinion. Mr. Lynch said that he doesn't enjoy making anyone pay more taxes but as values go up so should taxes. In the late 1980's they should have paid more taxes but at this time values are dropping. He recommends staying with 5% classification.

Motion by Mr. Joyce, seconded by Mr. Dalton, to set classification at 5%.

Mr. Lawlor said that we don't like this job of classifying, that classification is insidious and creates class warfare. It is natural self instinct to try to shift the burden to someone else and self instinct also makes us want to anger the fewest number of people. We need to look at the most favorable environment and he will support the motion to set it at 5% which is fairest for the time being.

Mr. Brem said we have conflicting issues and have to deal with conflict as a BOS. We need to find what is best for the Town and for FY95 the shift is to give businesses an advantage. We've always wanted a mixture in Town - residences, businesses and industry - and have to look at our long term objectives. It makes it fair supporting 5% because our long term goal is fairness. The more you get into classification the further you get from fairness. We want to get down to no classification but not tonight. Two or three years from now businesses will increase and residences stay the same.

Mr. Dalton said we're looking at a \$65 difference from 5% to 14% and do we want to jeopardize the vacancy rate for \$5 a month. WE are a community, both residences and businesses and we should stay where we right now.

Mr. Blomgren said he would have gone from 5% to 14% to take the burden off homeowners.

Vote on the motion to stay at 5% was 4 in favor, 1 opposed (RAB).

Motion by Mr. Dalton, seconded by Mr. Joyce, unan. that the BOS set up an advisory committee - 2 from CBA (John Harrington + 1) 2 BOS (R. Blomgren + 1), Town Manager, 1 Assessor and 2 residents.

Mr. Lynch then presented two parcels of land that have been offered as donations to the Town - the first 2 acres of land abutting Fair Street and Arlington Street, and the second 3.75 acres on Warwick Street. Andy Sheehan, Land Use Coordinator, has sent a memo indicating that both parcels are mostly wetlands and unbuildable and the Conservation Commission would take them to protect as Wetlands. Mr. Brem asked to table this until we have a policy on Accepting Donations of Land. Mr. Lynch will check with other Towns to see what they do with essentially value-less land.

Motion by Mr. Dalton, seconded by Mr. Joyce, unan. to send a letter to the Governor asking him to sign the bill granting a 7.5% increase to veterans. This affects about 25 people in Chelmsford. Mr. Dalton said he gives credit to the Town Manager and Bill Hahn for looking into a regional nursing home.

Mr. Dalton asked about Police and Fire grants and Mr. Lynch told him that they will be filed in the next session and we will keep on top of it.

Mr. Joyce asked residents to complete and return the Police Dept. questionnaire.

Mr. Brem asked the Town Manager to have the Auxiliary put out the flags in Central Square on Friday, Veterans' Day.

Mr. Lawlor said that he has spoken with Chief Caron re neighbors complaints re a property in the Westlands and he wants the subject pursued.

Mr. Lawlor said he is concerned with the rising drug use especially at CHS and it is not the exclusive province of the School Comm. and Police Dept. He feels the BOS should be involved since Chief Caron is not getting answers to serious problems from the School Dept. and he asked Mr. Lynch to get the Board involved.

Mr. Lynch said the Coalition Against Crime is studying that issue and is trying to identify the problems and suggest policies. It is a very severe problem.

At 10:20 p.m. motion by Mr. Joyce, seconded by Mr. Dalton to adjourn to Executive Session to discuss contractual matters. Roll Call Vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye.

For the Board of Selectmen, by

J. J. B. C. C. C.

55 JAN -5 PM 2:24

Work Session of the Board of Selectmen held Monday, November 14, 1994 at 8:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton and Peter V. Lawlor. Jeffrey A. Brem arrived at 8:15 p.m. Town Manager Bernard Lynch, Town Counsel James Harrington and Adm. Asst. Judith Carter were also present.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a Roadside Vendor's license for Donald A. Kohl, Jr. to sell Christmas trees at 1 - 3 Princeton Street, Vinal Square.

Mr. Blomgren asked if the Planning Board has notified us of the vacancy caused by Chris Gleason's resignation and was told No, but they will before our Dec. 5 meeting. We will meet with the School Dept. and FinCom on Thursday, December 8th at 7:30 p.m. in Room 202.

Mr. Lawlor said that at the last meeting he asked Mr. Lynch and Mr. Brem to apprise the Board of the school/Police cooperation in the area of drugs. Mr. Lynch said this will be reported at the Dec. 5 meeting. Mr. Lawlor said this appears to be a much greater problem than we thought and Mr. Lynch said he will have Chief Caron and Lt. McCusker come in on the 5th.

Mr. Lynch is to check into any remaining CADAC funds.

Mr. Joyce said he had a call from a West Chelmsford resident asking if there will be a senior discount with the new Cable TV contract, like Lowell has. Mr. Blomgren said he will provide a briefing on Dec. 5th in Executive Session.

Mr. Brem arrived at 8:15 p.m.

At 8:15 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Executive Session to discuss pending litigation and contractual matters. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye.

For the Board of Selectmen, by

Judith C. Carter

55 JAN 10 PM 3:36
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At 8:15 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Executive Session to discuss pending litigation and contractual matters. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye.

For the Board of Selectmen, by

Judith C. Carter

95 JAN 10 PM 3:34

Regular meeting of the Board of Selectmen held Monday, December 5, 1994 at 7:00 p.m. Members present were: Roger Blomgren, Robert Joyce, William Dalton, Jeffrey Brem and Peter Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:00 p.m.

Mr. Blomgren presented a Proclamation to Coach Caito in recognition of the fall sports teams for a very successful season. Coach Caito introduced the coaches and captains of the teams.

During the Open Session Cheryl Boss said that she was confused about the appointment process and she would like some answers. She said that when a previous appointment was presented to the Board 3 members had a problem with the process and it should be advertised so more candidates would be involved. She further stated that Mr. Joyce was one of those Selectmen and she had read in the paper that he had already committed to a Planning Board candidate before reviewing all the resumes. She asked what was different about this process compared to the last one. Mr. Blomgren stated there was no difference. Mr. Joyce added that he made a commitment well after he looked at the 5 candidates.

During the Open Session Mr. Metz of 25 Parkerville Road requested a waiver for a street opening due to a need for a gas line because his heating system is failing. He stated that the road was recently resurfaced and he did not receive a notice. The Town Manager explained that a vote of the Board of Selectmen, with the approval of the D.P.W. Director, is required to grant a street opening permit. If the D.P.W. Director does not grant the request than a unanimous vote of the Board is needed. Mr. Pearson reported to the Board that the road was paved this summer at a cost of \$60,000., that money has been invested in the roadway and there are other heating options. After a short discussion Sel. Lawlor made a motion, seconded by Mr. Dalton, passed unanimously, that the road be opened with the following conditions: 1. the patch will be 3 x 4 feet; 2. the patch will be 4 -5 inches thick and fully tack coated.

Planning Board Appointment: Chairman Blomgren explained that due to the resignation of Christine Gleason from the Planning Board there will be a joint vote of the BOS and Planning Board for her replacement. Mr. Blomgren asked all the candidates to speak for 2-3 minutes. Mr. Kevin Clark, Ms. Tracey Wallace Cody, Dr. Robert Galejus and Mr. Robert Scharn all gave brief presentation of their credentials. Ms. Deborah Sady withdrew her name as candidate.

Planning Board member James Good placed all four names in nomination. 1st round: Creegan-Cody; McKensie-Cody; McCarthy-Scharn; Gilet-Cody; Firth-Scharn; Good-Scharn; Lawlor-Cody; Dalton-Scharn; Joyce-Scharn; Brem-Clark; Blomgren-Clark. 2nd round: Creegan-Cody; McKensie-Cody; McCarthy-Scharn; Gilet-Cody; Firth-Scharn; Good-Scharn; Lawlor-Cody; Dalton-Scharn; Joyce-Scharn; Brem-Cody; Blomgren-Cody. Mr. Blomgren stated that Ms. Cody has 6 votes and that she is the nominee. Both boards made the vote unanimous.

Selectmen Referrals: Sel. Dalton asked that the grommets be repaired on the flag in North. Sel. Lawlor reported that the Holiday Decorating Committee did a great job on the tree lighting ceremony and various events. Sel. Blomgren requested a letter of thanks be sent to the Police Dept., Fire Dept., and Highway Dept. Sel. Brem congratulated the Cultural Council on the success of the "Angel of the Arts" event. Sel. Blomgren asked that a page in the minutes be dedicated to Dan Hart.

Petition for Change of Manager: Chairman Blomgren said the Board received a request to approve a change in manager at the New Country Buffet from Joanne Adamson to Ronald D. Greenwood. Sel. Joyce made a motion to change the Manager to Mr. Greenwood, seconded by Mr. Dalton, unanimous.

Public Hearing for Common Victualer License - Burgess and Clark: William Tolleyer owner of Burgess and Clark explained to the Board that he is requesting the license to run a small coffee shop at 14 Central Square with very limited seating, mainly take-out, from 6:00 a.m. - 6:00 p.m. Sel. Blomgren asked him about ADA compliance. Mr. Tolleyer said he had talked to the Building Inspector and found that it may not be physically possible to comply. The Town Manager added that the doorway is on the sidewalk and there may be no way to build a ramp. Sel. Lawlor said protocol should be followed and that Mr. Tolleyer should work with the Building Inspector and come back to the board if it is impossible to comply. Sel. Joyce made a motion to approve a Common Victualer license conditional upon compliance with ADA requirements. If Mr. Tolleyer can't comply he must come back to the board and provide them with information on why he can not comply. Seconded by Mr. Dalton, unanimous.

Selectman Lawlor requested that the Town Manager prepared a 1 page statement, for the next meeting, regarding ADA.

Public Hearing for Class III Auto Dealers License: The Town Manager read a letter from the Conservation Commission regarding a site visit on December 3, 1994. The letter stated that they took no position on the renewal of the license. Mr. D'Angelo addressed the Selectmen stating that he will clean the yard, repair the fences and have the old trucks removed. Bob Joyce moved to approve the license, Bill Dalton second, that all prior conditions apply. Unanimous.

ADA Compliance Loan Program: The Town Manager announced that he had been working with Peter Fletcher from Northern Bank and Trust to establish loans for businesses, at reduced rates, so they may bring themselves into compliance with the ADA. Mr. Fletcher explained to the Board that the process for applying for a loan would be simple, a 1 page application and a two day turn around. Sel. Lawlor requested that a letter be sent to Northern Bank for showing foresight regarding ADA and the towns policy.

Department of Public Works Report: James Pearson, D.P.W Director, updated the Board on the departments 1994 projects.

Sewer Division: Two new pump stations were installed, 1 on Janet Road, 1 on Brian Road for a total of 13. There are now 3500 connections and billing is currently \$300,000. A settlement has been reached on the Duck Island project.

Engineering: 30 projects for the Planning Board were reviewed, they prepared revisions for Planning Board regulations. The Department oversaw the repair of the Middlesex Street Canal Deck, designed interim traffic improvements for Vinal Square, and various sidewalk projects in 1994.

Public Buildings: A handicap ramp, a new roof, a collection window, a new (used) generator and a new alarm system were all installed at Town Offices.

Old Town Hall: A new handicap ramp was installed, the dumpster was screened and the Veteran's Office was moved to the OTH.

Parks: Adopt-a-Park program is still in place, flag pole was painted in the center, the sprinkler system was rebuilt for Varney and the department coordinated dead tree removals.

Highway: The Department plowed 20 times. Mr. Pearson said the drivers, mechanics and the private contractors did an excellent job. Major drainage improvements took place on Billerica Road, Turnpike Road and Pine Hill Road. The department installed subdrains, rebuilt catch basins, graded and paved Shore Drive, installed handicap parking at McKay along with many other miscellaneous projects.

Sel. Blomgren thanked Mr. Pearson for his report and asked the Board if they had any questions. Sel. Brem asked if there are any policies the board should consider at this time. Mr. Pearson said he would like the on street parking ban back in place on a full time basis. The Town Manager said the article will be presented at the Spring Town Meeting.

Coalition Against Crime Report: Sgt. Ray McCusker reported that the committee has met 6 times. Since that time they have put together some issues of importance; house breaks, drugs, violence, etc. and the committee will work on one issue at a time. He reported that the relationship between the School Department and the Police Department has improved 100%. A questionnaire has gone out to all households in town and a survey will go to the schools. A community wide Crime Watch and Stranger Danger program will be presented to the community along with other programs in the future.

Other Reports: The Town Manager reported that Impact Notices had been mailed out with the intent to get the issues out front. He said the Assessor's had an all day meeting where they met with 100 taxpayers. He reported that the Permitting Handbook should be ready for the December 19th meeting. He announced the 1st Winterfest, to be held February 3, 4, and 5, by the Community Service Council. It will include a chowderfest, sledding, concert, ice sculptures, skating, etc.

Historic District Commission: The Town Manager announced that Brenda Lovering, an alternate on the Commission, has been recommended by the commission to replace Hal Linnerud. Sel. Joyce made the motion, Sel. Lawlor second, unanimous. Sel. Joyce made a motion to send Mr. Linnerud a Certificate of Appreciation, Seconded by Mr. Lawlor, unanimous.

ADA Coordinator: Mr. Lynch asked the Board to approve Ralph Hickey as ADA Coordinator at the cost of \$300. per month. Mr. Joyce made a motion to approve Mr. Hickey as ADA Coordinator, Mr. Dalton second, unanimous.

Contract Awards: The Town Manager reported that the low bidder for the Freeman Lake Management Study is LEC at a cost of \$12,000. Mr. Joyce made a motion to award the contract to LEC, Mr. Dalton, second, unanimous.

Review of Annual License Renewals: The Board reviewed the list of annual appointments. Action will be taken at the next meeting. Sel Blomgren requested that the number of available licenses be listed in the printout.

Wellman Avenue: The Town Manager explained that he received a request from the School Department for a "No Parking" sign on Wellman Avenue in order to have the bus turn around safely in that location. Sel. Joyce made a motion to approve the sign, seconded by Mr. Dalton, unanimous.

New Business: Sel. Lawlor asked the Town Manager to write to the state to inquire about the status of the Forum in Billerica. Specifically, if the property is going to be sold, terms, availability, etc. Sel. Blomgren reported that Town Counsels contract had been signed. Sel. Joyce made a motion to endorse the contract, 2nd Mr. Dalton, unanimous. Sel. Brem asked the Town Manager to have the Greater Lowell Mental Health Association attend a future meeting.

The Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Marian D. Currier

Marian D. Currier

THIS PAGE DEDICATED TO THE MEMORY OF

DANIEL J. HART

FEBRUARY 29, 1907 - NOVEMBER 26, 1994

CHELMSFORD BOARD OF SELECTMEN

CHELMSFORD SCHOOL COMMITTEE

CHELMSFORD BOARD OF PUBLIC WELFARE

DEMOCRATIC TOWN COMMITTEE

Voted by the Board of Selectmen
December 5, 1994

55 JAN 10 PM 3:34

Joint meeting of the Board of Selectmen, Finance Committee and School Committee held Thursday, December 8, 1994. BOS members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor.

Mr. Blomgren explained the purpose of the meeting and Mr. Lynch then took over to make his presentation of the Town of Chelmsford Five Year Plan for FY96 - FY00. Mr. Lynch told the group that these are predictions and 5 year projections on the Town's budget. We have had drastic changes during the past 8 - 9 years but now have stabilized. The prediction is not all gloom and doom but also not too optimistic.

Under Revenues local taxes are paying for a larger and larger percentage of the budget. New growth was at a low point in 1993 and will level off in 1996. State Aid has dropped but is expected to increase since we will pick up additional money in the lotteries when the cap is lifted.

Our highest level of sewer debt is 1998 or 99, which goes towards debt reduction on sewer bonds but as this amount drops it will offset taxes, not operating expenses.

Miscellaneous receipts will increase by \$200,000 over the next 5 years. Mr. Lawlor commented that we could have a one-time extra pick-up if the Towns of Tyngsboro or Westford would do their sewer hookups and pay for them.

Mr. Lynch then went over expenditures, noting that the five categories are: educational services; municipal services; debt and interest; undistributed costs and other resource requirements.

He explained the various categories:

1. **Educational services:** under Educational Reform we have to put more money into the school system. The peak enrollment will be over 6,000 students in the year 2000. Using the municipal growth factor of we will have a \$4 mil increase over the next 5 years and we still won't be meeting the State's per pupil expenditure requirement. We spend app. \$5,000 per student and will have a 13% increase in the number of students by the year 2,000
2. **Municipal services:** no increase in salaries; 3% in expenses and service levels being maintained
3. **Debt and interest:** ordinary debt - capital improvements have used these funds. Exempt debt is 3.5 mil now and will be 5 mil in the year 2,000 assuming a 6% interest rate.
4. **Undistributed Costs:** indirect costs in providing local services. Anticipating 7% increase in health insurance costs per year.

Mr. Lynch said that in summary if revenue and expenditures are basically the same we will have a \$480,00 shortfall in

the year 2,000. This is not considering increased school entorllment, salary increases, the library addition or an expansion to the Police Station.. We can afford a 1% salary increase in 1996, a 2.5% in 1997 but by 2000 we will have to cut personnel costs by 7%.

He referred to the **Capital Budget**, stating that it is funded in the 5-year plan at \$1,000,000 per year and referred to Table 16 showing the effect of modifications to the Five Year Plan and indicating a shortfall in 2000 of \$6 mil.

Mr. Lynch said that the projection raises more questions than answers and how do we want to proceed. He said he hasn't projected Free Cash but will assumes it doesn't exist. Board members discussed health costs, asking if we can do an indemnity plan, or one HMO. Mr. Lynch said that is not a management decision but all school and non-school bargaining contracts are up this year. The intent of the five-year plan is not absolute but laying out some direction. Everything has to give a little - salaries, schools, capital plans. There may be some things we should no longer do and we may have to privatize in some areas.

Dr. Richard Moser then presented the School Department's projections through the year 2,000 stating that based on the number of births they are anticipating an increase of 669 students, which is a conservative number. He went over fixed costs, noting that they have had app. \$300,000 in "soft monies" that are slowly coming to an end and they prepaid some of their expenses last year. He said that SPED is 13 - 18% of the total school population.

Dr. Moser said that the average teacher in Chelmsford makes \$43K per year. The balance of additional revenue is \$840,738 fixed costs have increased to \$697,000 which means that \$143,000 is available. The number of students has increased by 275 since 1990 and our per pupil cost of \$4,889 now will be \$5,073 by 2000. We need \$3 mil more than what's available and will be presenting a program budget in the next 2 - 3 months. We have a \$20 mil salary budget for the current year and under the SPED program 55 students are being sent out of Town now.

Mr. Lynch said that the next step in the five-year plan is to look at alternatives and not leave the plan sitting on the shelf. It will require prioritizing on the part of all 3 boards. Mr. Lawlor commented that we can't say we'll be spending more per taxpayer. Mr. Lynch said there are increased demands on the school system and do we have increased demands on the non-school side. The population has stayed the same over the past 25 years and the Education Reform Act requires us to spend more per pupil.

Mr. Dalton commented that the community needs to know our

five-year plan - what we have and what we want. Mr. Blomgren said that the taxpayers are angry, and we can't support the schools without cutting municipal services. Mr. Lynch said he hopes the public will understand that we are trying to live within our means.

Mr. Lynch asked Dr. Moser of the \$20 mil for salaries, how much is administration vs. teachers. Dr. Moser said that \$16 mil is for teachers and \$4 mil for support and administration.

Dwight Hayward said we have to let the public know that we came through the recession as well as we did. Mr. Brem added that it looks better in some ways than last year - these are now new numbers and concepts.

Mr. Blomgren said that we've been reducing all along and can't stretch too much further. The five-year plan is intended to put the framework in place and we can't continue to do what we've been doing with the monies available. Tony Volpe said we have to ask the taxpayers what do they want to see with the monies we have

Mr. Lynch said that when we did a survey people seem not to be aware of what costs really are so we need to get out more information. He said that the State has compared us with ten other communities like us - population, budget, income, etc. and we are just about average, except our sewer debt is higher. Mr. Brem said we need to see the impact of an override over the next five years - and do they see an increase in State Aid - an override could be an available alternative.

Mr. Lynch said he wouldn't count on it - there will be less federal money to the State, and less State money to the cities and towns and less grant monies. Mr. Blomgren said he wouldn't consider an override and Mr. Lynch said he could look at the consequences of an override and an underide.

Under Other Business Dr. Moser asked the Board to put an article on the Spring Town Meeting warrant to set up a scholarship fund. He said there has been a change in the law that under MGL CH60, Sec. 3C the School Committee would be allowed an educational fund to support many of our needs. It would be managed by a separate 4-man committee appointed by the BOS, and we could ask for donations in the tax bills. He would like to have this law adopted this Spring.

Mr. Lynch said that Arlington is the best example of this concept and other communities have had less success. He has questions - could the lock box system handle this? It couldn't be logged in but sent to the Tax Collectors office. He agreed that it is a good concept but won't be widely used because 70 - 75% of our real estate taxes are paid by banks, and the rest by elderly or those on fixed incomes. He said we should look at Newton - they send out a separate form with their tax bills so the taxpayer can choose where his money

will go. Mr. Volpe said that this was brought forth as a supplemental fund for the schools, and these are two separate issues.

Wendy Marcks said that they don't want to allude that this will solve all the School Dept.'s problems, it will be just supplemental.

Mr. Blomgren asked Mr. Lynch and the School Committee to find what it would cost to administer a program like this and bring it back in January.

Mr. Lynch concluded the meeting by stating that he is hoping for the School budget by the second week in January.

The meeting was adjourned at 9:30 p.m.

For the Board of Selectmen, by

John E. Carter

Statement by Bob Joyce at Selectmen meeting 1/9/95

Several weeks ago, during our last meeting of December 19th, 1994 I made some statements regarding the Ambulance Study Committee and the Town Manager. I would like to at this time apologize for the manner in which I presented the issue. I would like to clarify those statements with documented facts, which I should have presented at that time. I had the information but I didn't have it in front of me during my remarks.

I would also like to state that I have a great deal of respect and gratitude to our Public Safety employees both Police and Firefighters and any statements that were made which may have been interpreted as not being supportive of them was certainly un-intended. I personally hold a Degree in Law Enforcement and I support both police and Fire one-hundred percent. I think as public officials we need to insure the residents of Chelmsford that they receive the best in both Police and Fire services. My comments regarding an in-house ambulance reflect that goal.

Before I get into the issue of the Shared services Fire Ambulance I would like to let people who are here and watching at home know that much of the information I am about to give you was given to the local newspaper (Chelmsford Independent) nearly two weeks ago, but yet, they have chosen not to do anything with it up to this time.

Item 1-

Memo from Ed Marshall 11/30/94

Item 2-

Marshall Plan 12/9/94

Item 3-

Memo from Ed Marshall 12/14/94

These are the reasons I made my statements several weeks ago. One can only conclude that with these memos, the Town Manager is interfering with the A.S.C. which was charged with giving the town an unbiased recommendation as to whether or not we should have a town operated ambulance.

RE-TYPED COPY OF LETTER TO A.S.C. FROM CHAIRMAN MARSHALL

11/30/94

TO: A.S.C.

FROM: ED MARSHALL

MEETING DATE: TUESDAY 12/20/94 7:45

THOUGHTS:

IT SEEMS TO ME AT THIS POINT THAT THERE IS ONLY ONE SIGNIFICANT DIFFERENCE BETWEEN OUR MODEL #4 (SHARED MANNING) AND CHIEF PARROW'S PROPOSAL. MODEL 4 ASSUMES THAT SURPLUS OF REVENUE OVER COSTS WOULD GO INTO THE GENERAL FUND, IT WOULD THEN BE APPROPRIATED BY THE TOWN MEETING FOR WHATEVER PURPOSE DESIRED.

THE CHIEFS' PROPOSAL IS ALSO A SHARED MANNING MODEL. HIS MODEL, HOWEVER, ASSUMES THAT THE SURPLUS WOULD GO INTO A SPECIAL FIRE DEPT. FUND WHERE IT WOULD BE USED FOR OVERTIME TO RESTORE "FULL" MANNING OF ALL STATIONS WITH THE SPECIAL ADVANTAGE OF REDUCING INITIAL RESPONSE TIME FROM STATIONS THAT MIGHT OTHERWISE BE CLOSED.

CORRECT ? IF SO, WHICH IS PREFERABLE?

WE MAY ALSO NEED TO RE-EXAMINE THE WHOLE QUESTION OF INITIAL RESPONSE. IS SENDING OF AN ENGINE, POLICE CAR, AND AMBULANCE TOO MUCH?

THINK HARD BETWEEN NOW AND 12/20/94.

(SIGNED) ED

RETYPE COPY OF PLAN TO A.S.C. FROM CHAIRMAN MARSHALL

12/9/94

MARSHALL PLAN

- 1. The only efficient way to deliver the service is a shared manning model. If there is a separate crew it will be idle a large part of the time.**
- 2. If privatize, there cannot be shared manning.**
- 3. Therefore, the service must be performed "in-house" in this case the fire dept. with shared manning.**
- 4. If done with shared manning in Fire Dept. and if users are billed there will be a surplus created. The big question is what to be done with the surplus:**
 - a.) Reduce or eliminate fees to eliminate surplus, or**
 - b.) Return surplus to general funds to be used as town meeting decides.**
 - c.) Place surplus in special Fire Dept. fund to be used for overtime to help provide 24 Hour manning for all stations.**
- 5. That decision should be made by town meeting.**
- 6. What should be done now?**
 - a.) Have Fire Chief, with any requested help from A.S.C. work out details of in-house shared manning model.**
 - b.) Have it reviewed by A.S.C.**
- 7. Plan should not be implemented until collective bargaining with FF union completed.**

RE-TYPED COPY OF LETTER TO A.S.C. FROM CHAIRMAN MARSHALL

12/14/94

TO: A.S.C.

FROM: ED MARSHALL

RE: MEETING - 12/20/94

I told Bernie what I had in mind for meeting. He didn't like it, thought it was rushing things.

He suggested that we do two things:

- 1.) Discuss Parow's report and what needs to be done*
- 2.) Agree on what we will do next.*

Clearly he thought I was rushing things. I told him I would be happy slowdown for a bit.

So, let's go with Bernie's agenda and see where we go from here.

See you.

(signed) ED

MEMORANDUM

TO: Board of Selectmen
FROM: Bernard Lynch
DATE: January 4, 1995
RE: In-house Ambulance Feasibility Study Update

Over the last several weeks there has been a great deal of attention paid to the ongoing In-House Ambulance Feasibility Study which was identified as a priority of the Selectmen on November , 1994 (see minutes, Exhibit #1). This prioritization coincided with the preparation of a proposed plan by Fire Chief Parow to assume the provision of ambulance service on an in-house basis. This proposal in large part responded to my interest in this issue during the Chief's recruitment and first several months in the position. As you know the Town of Chelmsford has for many years contracted for this service at zero cost to the taxpayers.

In response to the Board's prioritization of this feasibility study I included this issue as an FY95 Goal and described the study process in the Town Manager/Board of Selectmen FY95 Goal document which was submitted to the Board on November 7, 1994_(Exhibit #2). The implementation plan that I developed called for a recommendation to the Board by April of 1995. As I indicated in the implementation plan I intended to use the existing Ambulance Study Committee as a resource of information and advice prior to my report to the Board.

The Ambulance Study Committee was appointed two years ago on January 19, 1993 to analyze ambulance service in the Town. This evaluation was to include evaluating the (then) current service, recommend steps to improve the (then) current service, determine the appropriate measures of service, and analyze other delivery options. As a result of this effort the Ambulance Study Committee determined that the then provider of ambulance services was not performing to the desired level and recommended changes in the vendor contract through future Requests for Proposal (e.g. dedicated ambulance in Town). The Committee proceeded to re-write the RFP specifications (exhibit #3), evaluated the submitted proposals and recommended the successful vendor. The Committee also undertook consideration of a preferred model for an in-house ambulance service. Specifically, the Committee made a preliminary report (exhibit #4) that if the ambulance service were brought in-house a shared manning model be utilized.

The Committee made its Preliminary Report in the late Fall of 1993. At that time the management changes in the Public Safety departments. The Committee did indicate a prepared and interested in considering the Town's ambulance service. In the Fall of 1994 Fire Chief Parow prepared a proposal to me for an in-house ambulance in the Fire Department. Coincidentally, Selectmen Joyce at approximately the same time indicated an interest in pursuing an in-house ambulance staffed by firefighters. As I stated earlier in this memorandum, this proposal was considered by the Board of Selectmen as a goal for the upcoming year choosing to establish a goal of a Feasibility Study by the Town Manager so as to recommend whether to proceed in this manner. Utilizing Chief Parow's proposal as a starting point I asked the Ambulance Study Committee members to once again work on this issue.

I transmitted Chief Parow's report to the Ambulance Study Committee on October 27, 1994 with a listing of issues and questions that I wanted them to consider in analyzing the proposal. The Committee met with Chief Parow in November at which time he presented his plan for a Fire Department Ambulance. In early December I met with the Chairman of the Committee at which time he presented me with his ideas regarding an in-house service based upon the Preliminary Report of the Committee. I indicated my concern that moving immediately to planning the implementation of an in-house service left numerous questions unanswered. The major issue being should the Town move in this direction. Based upon my sense that the Committee felt that a quick report was needed I instructed the Committee through the Chairman to slow down and consider all of the issues that I had raised in my October 27th memo as well as other issues that they had developed through their prior work. This meeting with the Chairman was followed by a meeting with the entire Committee on December 20, 1994 at which time I raised many of the same questions and issues as well as several alternatives for emergency medical services. Based upon this meeting the Committee is meeting on January 9, 1994 to proceed with its work.

My instructions to the Ambulance Study Committee are based upon the opinion that the In-House Ambulance issue is not a simple decision but instead one of major long term strategic importance. While many Massachusetts communities have their own ambulances, the issue of private versus in-house service has become more pronounced. Over the past 2+ years at least five communities have opted to discontinue an in-house service in favor of private contract. This trend mirrors private industry's trend of outsourcing various activities, and the growing governmental trend of privatization. A recent article in the Wall Street Journal (12/27/94) dealt with the issue of private and municipal ambulances nationwide. The article (exhibit #5) points out the changes occurring in municipal fire departments which necessitates greater emphasis on emergency medical services. In the article Doug Brown of the International Association of Fire Chiefs is quoted, saying "the fire service has shored up its whole operation with EMS. You couldn't justify your budget without that." George Burke of the International Association of Fire Fighters, a labor union, is also quoted, saying "You could call it the ambulance war, because that's what it is."

In Boston the Fire Department seeks to take over the municipal EMS service which is currently run by the Department of Health and Hospitals. The rationale is that a continued decrease in fire calls has left the Department with manpower that exceeds needs. The decision facing Chelmsford is whether to continue contracting for this service thereby permitting future flexibility in fire staffing and organization, or to utilize current resources and enlarge the municipal services through the creation of a public enterprise. In order to make this decision a number of questions must be confronted and answered. I have asked for Selectmen assistance in outlining these questions and have received correspondence from Selectmen Lawlor and Brem (exhibits #6 and #7). These, along with the queries of my October 27th memo will be passed on to the Ambulance Study Committee, a neutral body, for analysis, study and consideration. The Committee is scheduled to make its report to me in the April 1995 time frame. I will use this report to help me in making my recommendation to the Board. In the meantime, we will reserve spaces in the 95 Spring Town Meeting as needed to deal with this matter (i.e. capital equipment, revolving funds, increased appropriations).

The various issues raised to date ultimately are related to the costs and benefits of this proposal. A listing of the issues, with some overlap includes the following:

- Greater Town Liability and Insurance costs, including the effect of statutory caps on tort recovery given to municipalities?
- Anticipated rates of collected and un-collected billings and remedies to insure cost recovery?
- Will more personnel or overtime be needed? Staffing Changes (i.e. insurance specialists)?
- Increased or decreased organizational flexibility?
- Experiences of other municipalities particularly those that have gone to private contractors?
- Administrative changes needed (i.e. revolving fund)?
- Identified deficiencies in current service?
- Alternative EMS options (i.e. police, separate department)? Alternative organizational forms?
- Current costs versus projected capital and operating costs? Training costs?
- What are the goals and benefits of a change to in-house?
- Arrangements for back-up service coverage and impact of such? Deployment plans for simultaneous multiple incidents?
- Collective bargaining issues (i.e. overtime and minimum manning)?
- Where will ambulance be housed and need for a second ambulance?
- Provision of paramedic services and likelihood of paramedics on an in-house ambulance?
- Who would handle accounting, billing and collection (i.e. in-house or private contract)?
- Role of Police as first responders?
- Allocation of fees?

95 JAN 31 AM 11:44

Regular meeting of the Board of Selectmen held Monday, January 9, 1995. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

During the Open Session Cheryl Boss, representing the CHS PTO, invited the Board to the informational forum "You, Your Child and the Law" to take place on January 18, 1995. Fliers are being mailed to all CHS students homes and being sent home with Middle School students. Ms. Boss said there is great cooperation between the schools and the Police Dept. and the forum will try to show where the school authority ends and police authority begins. Members of the Panel will be: Police Chief Armand Caron, Juvenile Officer Ken Duane, CHS Crisis Counselor Heather Callaghan, Ann Pollard from Middlesex County DA's office and CHS Principal Herb Levine.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of Dec. 5, 1994. Mr. Blomgren asked to make sure that a page is dedicated to Dan Hart.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the Work Session of Dec. 8, 1994.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the Dec. 19, 1994 meeting.

Under Town Manager Reports Mr. Lynch said that there is a newly formed committee studying the Central Square traffic issue. They will work with the same process as the Vinal Square Task Force - identifying problems, considering aesthetics and public safety. etc. Judy Mallette is the Chairman of this committee.

Mr. Lynch and Mr. Blomgren had gone to a Mitre Open House and seen the newest technology, and Mitre is willing to try some of their Virtual Realty Technology in Central Square. This may not solve our problems but could lead to different ideas for solutions. We have had problems in Central Square for at least 70 years.

Ms. Mallette then addressed the Board, stating that the charge to the committee by the Town Manager is to: analyze current conditions, identify problems, review prior studies and develop a plan to address identified problems. The areas to be studied are Liberty Square, Central Square, Bartlett St. around the Library, Chelmsford St. to Fletcher, Billerica Road to Wilson and North Road to Fletcher. The committee is made up of 3 businesspeople - Jack Handley,

Anne-Lise Sexton, and Brian Shannon; 3 residents - Barry Balan, Maryannick Bovard and Ralph Hickey; 3 Traffic & Safety members: Judy Mallette, Pat Daley and Scott Ubele.

They are now analyzing current conditions, studying via video tapes, reviewing accident reports and are holding a Public Hearing for residents input on January 26.

By March and April they will be reviewing prior studies, reviewing recent traffic counts and determine the traffic volume growth.

They hope to have grant funds to help determine the goals and to have a rough first draft by May for more public input.

They will revise the draft in June and hope to present it to the T & S Committee in July. Ms. Mallette said they have contacted the Governor's Highway Safety Bureau and we have to meet state and federal requirements if we want funding.

Mr. Lynch then reported on an FICA alternative, noting that he and Fred Mansfield have discussed a change in the federal tax law. Currently local governments have to pay social security for part time employees who aren't under the Mass. Retirement System and this is now costing us \$70,000 per year. The State has now provided us an opportunity to offer other arrangements - a PEBSICO program. The Town wouldn't have to make the 6.2% FICA contribution and would save the \$70,000 per year. Many communities are doing this with great success. The employees will ultimately be able to withdraw their money with no penalties and if they become full time employees they can transfer their account to the County Retirement System. There would be 50 - 100 employees involved, including the School Dept.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adopt Mass. Gen. Laws CH29, Sec 64D contingent upon review by Town Counsel that there will be zero impact on the Town.

Mr. Lynch told the Board that the policy drafted for tax title land was suggested by Mr. Brem and worked on with Town Counsel and the Treasurer. He read the policy, which he said is meant to streamline the process and sets forth the criteria for sale.

Mr. Blomgren said in keeping with our policy of waiting 2 weeks to vote after a policy is submitted that we do so.

Mr. Lawlor asked to add in Section 2 after Town: at the address last recognized by the office of the Board of Assessors by Certified Mail, Return Receipt Requested and advertised in both daily and weekly newspapers.

Mr. Brem asked to amend the policy to put items in a different order: A-1; D-2; B-3; C-4; and E-5.

The policy will be voted on at the next meeting.

Mr. Lynch then reported on the Ambulance Feasibility Study.

Mr. Dalton left the room and Mr. Joyce asked to make a statement. He said that he wants to apologize for the manner in which he presented his issues at the last meeting re the Ambulance Study Committee and the Town Manager. He said that he wants to clarify his statements with documented facts which he has tonight. He thinks that as public officials we need to insure the residents of Chelmsford that they receive the best in both police and fire services and his comments regarding an in-house ambulance reflect that goal. Mr. Joyce then read and showed viewgraphs of 3 memos sent to the Study Committee by Chairman Ed Marshall dated 11/30, 12/9 and 12/14/94. (Attached hereto and made a part hereof). He ended by stating that you can conclude that the Town Manager is interfering with the Ambulance Study Committee.

Mr. Blomgren then stepped down and turned the Chair over to Mr. Joyce.

Mr. Lynch then presented his update on the in-house ambulance feasibility update. (Attached hereto and made a part hereof). He said that there are a number of issues: on Oct. 13 the BOS identified as a priority a study of the feasibility of an in-house ambulance. Our ambulance service now is provided by a private company at no cost to the Town. He therefore included this issue as one of his FY95 goals, calling for a recommendation to the BOS in April, 1995 and using the existing Ambulance Study Committee as a resource of information and advice.

On Jan. 19, 1993 he appointed the Ambulance Study Committee and asked them to analyze the ambulance service in Town. Their preliminary report recommended a "shared manning" model in-house service, but it was decided to wait for changes in the Public Safety Depts.

This Fall Fire Chief Parow presented a plan for an in-house ambulance and the BOS asked for a feasibility study. This request went to the Study Committee on Oct. 27, 1994. He added that an in-house ambulance service is not a simple decision, and quoted a Wall Street Journal article on Dec. 27.

Mr. Lynch said he has asked the BOS for help in setting questions for the Committee to study and Selectmen Lawlor and Brem have responded. He has asked the Committee for a report by April and will try to include articles on the ATM Warrant

if we go in-house. This is not a single issue but very complex and our goal is to look at each of our services. Implementation now is like putting the cart before the horse. Mr. Brem said that the Study Committee should analyze the situation and assess it.

Mr. Joyce stated that many of the items have already been addressed and said that there is pending legislation to prohibit starting an in-house service if there is not already one in place. He told Mr. Lynch that he has done an excellent job on the package he presented to the BOS. Mr. Lynch said that we are still collecting information and not yet prepared to make a decision. We have to look at central issues and he is concerned about public monopolies and private monopolies.

Mr. Lawlor asked how we can have articles on the ATM warrant when we won't get the report until April, and will have to meet with the Capital Planning Committee on some issues.

Mr. Lynch said he doesn't know if we will be able to but he doesn't want it said that we're dragging our feet. The ultimate decision is made at Town Meeting.

He said that his document tonight only raises questions and he thinks the Study Committee is aware of these and looking into them.

Mr. Brem commented that the Town of Wilmington has just gone from private to in-house ambulance service and we should check with them. Copies of Mr. Lynch's report will be available in his office.

At 8:10 p.m. Mr. Blomgren resumed the Chair and Mr. Dalton returned to the meeting.

Under Scheduled Business Attorney James Geary, representing the Chelmsford Hotel Corporation, was present asking approval to pledge the Radisson Hotel's All Alcoholic license to BayBank as collateral for a \$5 mil loan.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan to approve this pledge.

The property managers of the Williamsburg Condo complex had asked to have the BOS reconsider the decision to place No Parking signs on the cul-de-sac.

Mr. Lynch said that there are a number of residents here but no one from the property management company. The residents had asked to have the School Dept. place the Bus Stop at the end of Wellman Avenue, not on Tyngsboro Road, provided no cars are parked there. On December 5, 1994 the BOS established a No Parking zone but now the management company is requesting that it be limited to a ban on only school

days, a partial ban.

Mr. Blomgren said that we have posted the area No Parking but the Police have not yet enforced it. The Police Chief's concern is that the sign is on private property, the residents need room for overflow parking and the bus needs room to turn around.

Bob Cruickshank, School Dept. Business Manager went over the process, noting that in October a number of parents asked the School Dept. to move the Bus Stop since there are app. 50 elementary students there and they don't want it too close to Tyngsboro Road. The school bus company won't go on private property and the driver is concerned about watching 50 students and needs the cul-de-sac to make a complete U-turn. This past week there have been no cars parked there and the students now are in the safest spot. There is extra parking at the end of each condo block for overflow cars and we see no need for cars to be parked on the cul-de-sac. The bus can't back up when there are any students on it. They want a ban of at least 6:30 am - 9:00 am and if cars are there and the bus can't turn around it will back out and won't go into Williamsburg again.

Mr. Cruickshank said that in the afternoon the bus blocks the entrance and the driver watches until all the kids are over the railroad track. If any trains are coming the students have to stay on the bus until it has gone. The pm kindergarten students are picked up at the post office. He is recommending a total parking ban and this has been worked out with the bus company.

Residents who asked to have the parking ban lifted then spoke. Lee Dorobiala, 504 Wellman Ave. said he agrees with the change of the bus stop location but some issues were not addressed - the Town of Chelmsford has not properly plowed or sanded Wellman Avenue. There is a speed limit of 15 mph in the complex and Wellman Ave. is not posted. Town Manager Lynch said he will communicate these concerns to the DPW and they will certainly plow and sand. We will address the speed limit issue, and it is a public way up to the cul-de-sac. Mr. Dorobiala asked for No Parking only during the school week.

Gary Scanlon, 400 Wellman Ave. said the first concern is that the children should be safe but a lot of cars move to that area during snow removal. He is asking for the ban only on school days, since the space does sit idle most of the time. Mr. Cruickshank said he has no problem with the summer and that they only need 30 yards on each side of the cul-de-sac.

There is no problem with cars parked on the road, only the cul-de-sac.

Mr. Joyce suggested Monday through Friday from September through June - he would have no problem with that. Mr. Lynch said we can work this out with the Police Dept.

Motion by Mr. Joyce, seconded by Mr. Dalton, to ban all parking from Monday through Friday from September through June, amending our original plan. Vote on the motion was 4 in favor, 1 opposed (Mr. Lawlor who wanted to check with the Fire Chief and any concerns he might have re fire trucks turning.)

Under Referrals Mr. Joyce said he understands that Lowell Cable TV has been bought by Continental and he wants to insure that residents will continue to receive Cable 6 News. Mr. Lynch said he will discuss this with Attorney Epstein and Mr. Joyce asked if Chelmsford, Lowell and Tewksbury could all put pressure on them to continue this news program.

Mr. Joyce said that we still have a vacancy on the Capital Planning Committee and could we see the resumes again before the next meeting.

Mr. Joyce said that the BOS opted not to appoint Special Counsel in July but with negotiations coming up this should be addressed at an Executive Session at the next meeting.

Mr. Dalton said that the wire from the utility pole to Bill and Andy's is still too taut and nothing is ever handled immediately with these companies and things are not done in a timely fashion.

Mr. Lynch said he will be meeting with Mass. Electric and will talk to them, and will also schedule a meeting with Nynex to discuss double poles and broken poles.

Mr. Lynch then announced his appointments to the Tax Classification Committee: Glenn Thoren and Tom Moran, Citizen Members; Jim Doukaszewicz and Dick DeFreitas, Business Members; Bernard Lynch, Town Manager, Assessor Diane Philips (non-voting) and Selectmen Roger Blomgren and Robert Joyce.

Mr. Lynch said he has received a letter of resignation from Robert Kydd, member of the Board of Appeals. We have 3 alternates - Karen Wharton as Senior Alternate will be offered the position first. A Certificate of Appreciation will be presented to Mr. Kydd.

Under New Business Mr. Dalton moved to have the Town Manager draft a letter to break down what the tax dollar is doing -

how it's being spent and the impact of the overrides - to educate the community. Mr. Lynch said he is continuing to look at ways to do that - local papers, Cable TV, have literature here at Town Offices.

Mr. Blomgren said we continue to hear from different sources and his ideas are:

1. Town Meeting reps appropriate the money - get involved and become a Town Meeting rep;
2. People can vote for override or debt exemptions
3. The BOS votes on Classification - get involved and understand. It's not just the BOS or Town Manager who set the tax rate - stop complaining and get involved.
4. Call BOS members for explanations

Mr. Brem said that Mr. Lynch gave a great speech on the levy process to the Town Meeting reps and he should go back to one of these forums for old and new Town Meeting reps.

Mr. Lawlor suggested that he do it in an easy to read fashion - maybe one-half page in the Independent.

Mr. Lynch commented that people don't understand values and how taxes work. He will have a plan to get out information to the residents by the next meeting.

Mr. Dalton said he had a call from the Water Commissioners who are concerned that when we pick up hazardous materials at the Highway garage we are taking a chance on the aquifers. Mr. Lynch will send a letter to all the Water Commissioners explaining that we do not store any hazardous materials at the Highway Dept. garage.

Mr. Brem announced that he will not be seeking re-election to the BOS and that it has been an honor to serve with the current Board, Bill Logan and Dick DeFreitas. He has enjoyed being on the Board, and hopes that they take some of his issues forward.

Mr. Blomgren said that Continental TV will endorse the contract signed by Colony and he has been meeting with them on the new contract.

Mr. Lawlor said that he has been receiving calls of support to seek re-election, and although he feels he has obligations to his family and his law practice, he will seek the position on the BOS for one more term.

At 9:20 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

ten Oak

55 FEB 27 PM 2:50

Regular meeting of the Board of Selectmen held Monday, January 30, 1995. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Mr. Blomgren asked for a moment of silence in memory of Ruth Delaney, who passed away last week as the result of a car accident. Ms. Delaney had been on the Board of Assessors and the Housing Authority for many years. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to dedicate a page in the minutes to Ms. Delaney.

Mr. Blomgren presented a Certificate of Appreciation to Harold Linnerud for his seven years of service on the Historic District Commission.

Mr. Blomgren presented Certificates to the following Cadet Girl Scouts from Troop 78: Jessica Adams, Erica Ayotte, Jen Clancy, Christine Frenette, Kristine Loiselle, Kate Long, Amy Meidell, Stephanie O'Shea and Abby Sawyer. Troop Leaders Fran Meidell and Elizabeth Loiselle said that the girls are working towards their Silver Awards.

George Simonian of the CHS Alumni Association told the Board about the 5th Annual Hall of Fame Induction, to take place on March 18th at the Lowell Sheraton. Mr. Simonian named the 9 inductees and said that the Golden Lion Award will be presented to the CHS All Sports Booster Club.

During the Open Session Evelyn Thoren, 15 Pinewood Drive said that she has taken out nomination papers for the BOS, and would like to withdraw her name as a candidate for the Capital Planning Committee.

Mr. John Bernazane, 192 Concord Road, addressed the Board, expressing concerns he and his neighbors have regarding a cluster zoning development going in behind their home.

Mr. Brem left the room and did not take part in the discussion due to a conflict of interest.

Mr. Bernazane said that they have been using the land behind their homes for 32 years. The land that will be the common area is 10 acres with trails that lead to Great Brooks Farm in Carlisle and the State Forest. They are looking for a definitive statement as to the use of the recreational land

- they want no hunting, no trail bikes and that the 17 prospective homeowners will keep it as conservation land for passive recreation. He asked the Board to ask Town Counsel about this and that there be no development on conservation land.

Mr. Bernazani also asked the Board about putting some speed controls on Concord Road between the Carlisle line and Old Stage Road - the average speed now is 37 mph and they would like it limited to 30 mph.

He also said that there is a large pine tree that is obstructing the view and causing accidents in this area on Concord Road.

Mr. Joyce said he has attended Planning Board meetings, that they held a Public Hearing on this at their meeting a few weeks ago and Mr. Bernazani should have taken his concerns to them then. Mr. Joyce added that in a cluster zone project each owner will sign a common covenant at their closing. Documentation will be presented to the Planning Board by the developer.

Mr. Lawlor added that covenants will run with the land and the Planning Board would have to approve any changes. The land is for the benefit of the new lot owners and not necessarily for the neighborhood. Our Planning Board doesn't make that many mistakes and under the law, the Board of Selectmen can't really advise them.

Mr. Lynch said he can show him copies of cluster development covenants which have all been approved by the Planning Board, Board of Selectmen and Conservation Commission.

Mr. Blomgren reassured Mr. Bernazani that the Planning Board won't approve the plan until they have the actual document.

Mr. Bernazani said there will be another hearing and he will ask for the document again.

Mr. Lynch said we will ask the Police Dept. to check on the speed limit requested and the DPW Director to check on the tree.

At 7:30 p.m. Mr. Brem returned to the meeting and Mr. Dalton left.

Jeff Stallard addressed the Board during the Open Session asking when the Town cars are going to be marked - that there are no seals on them yet and there should be some kind of marking. Mr. Lynch said we have ordered seals of a different, smaller size and they should be in any day now.

Motion by Mr. Joyce, seconded by Mr. Lawlor, to approve the

minutes of the meeting of January 9th. Vote was 4 in favor.

Mr. Dalton re-joined the meeting.

Under Town Manager Reports Mr. Lynch said that the Winterfest festivities will take place this weekend starting on Friday, and Co-Chairman Peggy Dunn went over the schedule. Everyone is hoping that it will snow in time. Ms. Dunn who is a Conservation Commission Volunteer said she got the idea for a winterfest last winter when it was so snowy and found a 1975 press release when the Town had held a similar event.

The Community Services Council has been the umbrella organization, and they have planned lots of events to take place even without snow - winter hiking instead of cross country skiing, for example. Ms. Dunn summarized the events and said that a schedule will be in the Independent on Thursday. They would like to make this an annual event. She also introduced Flavia Cigliano, Co-Chairman and Holly Rice, Recreation Coordinator.

Mr. Blomgren complimented them on the document they presented to the BOS this evening.

A Certificate of Appreciation was presented to Robert Kydd for his twenty-four years of service on the Board of Appeals.

Mr. Lynch then discussed his explanation of the tax rate and assessments to the residents. The BOS had asked him for more explanation - he has set up special office hours, done an in-depth interview with the Independent and then showed his 10 minute television presentation as part of the meeting.

Albert Scott, Greater Lowell Health Association Executive Director, then addressed the Board noting that the association has been in existence since 1953 and offers a wide range of services to individuals and families. They have out-patient counselling and have both adult and child psychiatrists on staff and treat both mental illness and mental retardation. The Town of Chelmsford pays \$8695 per year for service, of which \$6,000 goes to outpatient services. People call the agency who don't have any insurance coverage and they have a sliding fee scale. Mr. Blomgren asked how do Chelmsford residents know of these services and Mr. Scott told him pamphlets at the Board of Health, the school systems and doctor's referrals. Mr. Scott said they offer only short-term counselling, app.

20 sessions being the average and a broad range of services. The number of individuals seeking counselling has risen every year. They obtain funding through 3rd party billing, the United Way, funding from cities and towns, block grant program, and the funding from the Town of Chelmsford is applied to direct service, not administration.

Mr. Brem told Mr. Scott about the **Chelmsford Coalition Against Crime** and he said he would be happy to work with them.

Mr. Brem asked what the Town could do to help the association and Mr. Scott said to continue our allocation in the coming years, and he could do more direct marketing of services. Mr. Lynch said he will be asking him to attend a meeting of the Coalition Against Crime.

The Town Manager then gave his quarterly report on the goals the BOS had set.

He had presented the **Five Year Plan** with Status Quo - level services, level salaries, existing facilities and level education funding. Tonight he is presenting the **Five Year Plan - Phase II**. The Proposed Five Year Plan = Priorities and Alternatives - identified needs, improved services, improved facilities and cost containment. He is proposing community dialogue with civic and community groups, Town Meeting representatives, employees and citizens. The community dialogue format will be: presentation of plan; discussion of Town strengths, Town deficiencies, Town priorities and ideas for change.

The Implementation Plan will be:

Community Dialogue - Feb. - April, 1995

Compilation of Information - May, 1995

Comparative Analysis - June - July, 1995

Development of Actions - August - September, 1995

Report Presented - October, 1995.

Mr. Dalton said there are a lot of great ideas here but he is disappointed -it will take 5 years to get a 5 year plan in place. All we have now are the TM's projections. He thinks Mr. Lynch should make recommendations to the Community as to what will be cut and where is the money coming from. A base plan should come from the Town Manager and then ask for input.

Mr. Lynch answered that a 5 year plan is a dynamic process that is constantly changing. He thinks we need public input and ideas to set priorities, and he wants to hear ways to do things better.

Mr. Blomgren said that the BOS needs to take more responsibility and to give the Town Manager leadership and

direction. He wants the BOS to help put the framework in place and we need a planning session. It is not fair for the Town Manager to have to do everything by himself. Mr. Lawlor said a Work Session would be a good idea, and Mr. Blomgren said the citizens should give input first but they need a framework. Mr. Brem said he advocates input before planning.

Mr. Lynch stated that we need to hear the people, that this should be a grass roots effort rather than a command from on high. The FY96 budget will show our shortfalls and deficiencies, and we should ask the public what do they want from what we have. Mr. Lynch said he will shorten the time frame and make all steps simultaneous.

2. The FY96 budget is on schedule and will be presented to the Finance Committee on Tuesday, February 7th. There may be more state monies coming to us - \$600-\$700,000.

3. **Capital Planning Program** - the departments are submitting their requests.

4. **Economic Development** - we have done a marketing brochure, working with the EDP. We have just completed a permitting handbook, which has been done in house but may go out for print.

5. **Library Financing Strategy** - we are working on a State grant. Mr. Joyce said he doesn't want to call a Special Election for the library - we are supposed to save money on elections.

6. **Ambulance Study** - this was reported at the last meeting.

7. **Town/School sharing of resources** - Mr. Lynch has had discussions with the Business Manager and they hope to have a Task Force in place in February. When pressed for a goal figure, he said maybe \$200 - \$300,000.

8. **Citizen Relations** - the second community newsletter has been sent out and credit should go to Holly Rice and Kit Harbison for an excellent job.

9. **Our Community Service Program** is expanding.

10. **Central Square Improvements** - we will have recommendations in the fall. Mr. Blomgren asked for a 2-way Stop Sign at Littleton Road and North Road. Mr. Lynch said he will have the traffic unit check that spot and report back at the next meeting.

11. The **Cable TV contract** is underway and the BOS needs to vote on a 60-day extension.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to extend the negotiation period with Colony Communications for 60 days from January 29 to March 29, 1995.

12. **Labor Negotiations** - the process is underway and he will report at the next meeting.

Mr. Brem asked Mr. Lynch if he thinks he will be on target with his goals and Mr. Lynch said Yes, although there are more goals than anticipated.

Mr. Lynch said that during the December 19th meeting he made comments re TCBY re their compliance with taxes and handicapped accessibility that were misleading - the owner has always paid the taxes on time and Ralph Hickey said their work on handicapping is well advanced.

Mr. Lynch reported that a new guy wire has been placed on the telephone pole at #30 Chelmsford Street to release the tension on the wire.

The pole on Davis Road has been moved but may have to be moved again - there is a meeting on this matter on Friday.

Mr. Lynch reported that re highway signs - we are now in different districts from Carlisle and Westford but we have put them all on notice that we want them ASAP.

Mr. Lynch reported that the drop-off bin on Tyngsboro Road that Mr. Lawlor noticed was put there at the owner's request.

Mr. Lynch reported that the MMA presented the Town with one of three Pickard Memorial Innovation awards in recognition of our Senior Tax Rebate Program. There were only 3 awards out of 31 applicants and Mr. Brem said we should give credit to the Town Manager and Marty Walsh.

The Town Manager reported that we have received a Workers' Compensation dividend in the amount of \$1,036.00.

The Chelmsford Housing Authority has informed us that Robert Hughes, Vice Chairman, has assumed the chairmanship due to the death of Chairman Ruth Delaney, and they have asked to meet with us on Feb. 21st to appoint a replacement.

Under Selectmen referrals, Mr. Joyce asked about the Employee Assistance Program, that it is coming up for renewal and he wants a report on it. Mr. Lynch said we are reviewing the program now and he will report at the next meeting. He added that we have had seminars in sexual harassment, substance abuse and stress management.

Mr. Joyce asked about the renewal of the ambulance contract and Mr. Lynch said this has been done.

Mr. Joyce then questioned the Fire Chief's contract, that he's been here a year with no contract. Mr. Lynch said he had provided Chief Parow with a contract when he first came on but a Fire Chief doesn't have to have a contract and now Chief Parow feels he doesn't have to have one. It is now in a state of limbo, a mutual decision.

Mr Dalton commented that the sign stating No Left Turn onto Billerica Road seems no longer necessary and Mr. Blomgren said we will ask Scott Ubele to look into this area and Mr. Lawlor will take the issue to the Traffic and Safety Committee.

Mr. Dalton asked about the containers at Caldor's and Mr. Lynch said the Building Inspector had sent a letter stating that they had to be removed by February 1st. He will report on the matter at the next meeting.

Mr. Lawlor reported that he and Mr. Brem had attended a meeting re new Title V changes and its effects upon people without sewers. There are new DPW regulations and sanitation inspectors have to be trained.

Mr. Lawlor said he has heard that Jimmy's Pizza, a local business, is being driven out by a large chain and he moved, seconded by Mr. Joyce, that the BOS send a letter to the landlord stating that we as a Town do not like this kind of pressure. Vote was 4 in favor, 1 abstention (RAB due to possible conflict of interest).

Mr. Lawlor said that there was an MMA award to the Town of Natick re oil tank removal - they set up a fund and assessed a betterment assessment against the property, and homeowners have 20 years to pay it back. He asked Mr. Lynch to contact the Town of Natick.

Mr. Brem commented that the EIR for the Route 3 widening should have come out in January.

Under Appointments, Mr. Lynch said he has appointed senior alternate Karen Wharton to replace Bob Kydd on the Board of Appeals. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this appointment. We will advertise this vacancy for an alternate as well as the vacancy on the Housing Authority.

On the Capital Planning Committee r. Lynch recommends that

Frank Miethe, 5 Thomas Drive, be appointed. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to do so.

Under Contract Awards Mr. Lynch is awarding the chairlift at the Old Town Hall to Beckwith Elevator, the low bidder, for \$18,849. This will bring the building into ADA compliance. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the bid award.

Mr. Lawlor asked if we have a strategy for the future use of the Old Town Hall and Mr. Lynch said that we will hold onto it - the upstairs is utilized heavily by community cultural groups. He has department heads looking at alternate uses for the North Town Hall, and also some citizens are working on ideas for its use. It will take \$250-\$500,000 in renovations to make the building usable.

Under Unscheduled Business motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a 1-day Beer and Wine license for St. Vartanantz.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a speed limit of 25 mph on Wellman Avenue, as recommended by the Police Chief. We will notify the resident who requested it.

Land Sale policy - Mr. Lynch said he has reworded it as requested. Mr. Brem asked to add: "and, in priority order, strive to:"

Mr. Lynch said that the Town of Shirley has requested Chelmsford to approve their request for a waiver for a reduction of \$11,116 in their NVTHS assessment. They need the approval of a majority of Towns in the school district. Mr. Lynch recommended granting due to the small size of the waiver and their extraordinary circumstances.

Motion by Mr. Joyce, seconded by Mr. Dalton, to grant the waiver as requested by the Shirley BOS inasmuch as it will not affect our contribution. Mr. Lawlor said he is opposed since other Towns have always paid their shares, and it may have long term consequences.

The vote on Mr. Joyce's motion to approve was 0 in favor, 5 against. Motion failed.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to deny the Town of Shirley's request for a waiver.

Mr. Joyce asked if we had awarded a bid for the North Town Hall and Mr. Lynch told him he had asked for a consensus only for the purpose of continued negotiations. Mr. Joyce

asked about improving the building in a phased program by using Nashoba Tech students. Mr. Lynch will look into this.

Mr. Joyce said that under the new Title V program the Sewer Commission is looking at expanding the sewer program to help out homeowners.

Mr. Dalton reported that he is a member of the Chelmsford Lions and the Chelmsford Business Association has donated two more microphones to the BOS Meeting Room and Lions member Paul Sullivan has offered to install them.

Mr. Dalton said that the Charter and By-law changes that were all opposed by Town Meeting last fall should be voted on again.

Motion by Mr. Dalton, seconded by Mr. Joyce, unan. to put a non-binding referendum question on the April ballot and let the members of the community vote, subject to hearing from the Town Clerk that we have enough time to meet the legal requirements for a ballot question, and presenting all articles to Town Counsel to be re-written in a more clear fashion. Mr. Lynch will report at the next meeting.

Motion by Mr. Brem, seconded by Mr. Lawlor, to ask Town Counsel to review the suppression of utilities on Chelmsford Street to be placed on the ballot as a non-binding referendum question.

Mr. Blomgren asked that all candidates for BOS seats be invited to the February 21st meeting during Open Session for a 5 minute presentation.

At 10:05 pm motion by Mr. Joyce, seconded by Mr. Dalton, to adjourn to Executive Session for the purpose of discussing collective bargaining. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye. The Chairman said that the Board will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

John E. Carter

THIS PAGE DEDICATED TO THE MEMORY OF

RUTH K. DELANEY

JUNE 16, 1919 - JANUARY 25, 1995

CHELMSFORD BOARD OF ASSESSORS

CHELMSFORD HOUSING AUTHORITY

DEMOCRATIC TOWN COMMITTEE

Voted by the Board of Selectmen
January 30, 1995

Special meeting of the Board of Selectmen held Monday, February 13, 1995. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

Chairman Blomgren announced that this is not a regularly scheduled meeting of the BOS, that the next regular meeting is February 21st. He said that this is a briefing on the Fire Department investigation which the Board learned about in the media. Mr. Blomgren cautioned that this is an area where some members of the BOS will have to be careful - one is involved in the direct proceedings and one in service delivery. Mr. Blomgren said that he has prepared a number of questions and asked Mr. Lynch to bring them up to date.

Mr. Dalton left the room for the discussion that followed.

Mr. Brem asked Mr. Blomgren why he had called the meeting and Mr. Blomgren said to bring the BOS up to date on the investigation, that they all have copies of the Police report now.

Mr. Lynch said he has prepared a memo detailing the chronology of the matter and read his memo dated February 13th. The reports were all intended to clear up the matter and he feels very comfortable with Chief Parow working on it. His regrets are that not so much should have been made of it.

Mr. Blomgren said that he has 29 questions and some have been answered by Mr. Lynch already. He asked what prompted the investigation and Mr. Lynch said he heard about the dispute at the doctor's office between the firefighters and the ambulance EMT's. He discussed it with John Chemaly, Trinity Ambulance President, and then asked the Police Chief and Fire Chief for additional information. Mr. Lynch said he did investigate the charges because that is his job when he hears of problems with service delivery.

Mr. Blomgren stated that it has been past practice to have materials of this nature reviewed by Town Counsel before release, and asked when the BOS was briefed. Mr. Lynch said it wasn't and that typically they have been briefed on most investigations.

Mr. Lynch said he is baffled by the line of questioning - is there a problem in the way this has been handled? Mr. Blomgren asked why was a secret investigation performed and

Mr. Lynch said there was never a "secret report" - he was looking for information in order to make decisions. Mr. Blomgren asked who got copies of the police report and Mr. Lynch told him that he did and the Ambulance Study Committee asked for copies. Mr. Blomgren said he got his Saturday morning, and it has been past practice to have a document of this nature reviewed by Town Counsel. Mr. Lynch told him that there was no question of the Freedom of Information Act, which is why he did not go to Town Counsel and Town Counsel still does not have a copy of it. Mr. Blomgren said his concerns as a lay person are that this could be harmful to the Town and he has asked Town Counsel for a ruling. Mr. Lynch said the report was delivered by the Police Dept. so the Chief must have thought it was in its final format.

Mr. Blomgren then asked Mr. Lynch if this investigation is now complete and Mr. Lynch said Yes, that he is confident that Chief Parow is working it out. He added that he needed full knowledge of what had happened because medical care is an area of extreme liability to any Town. Mr. Blomgren asked if there are any other departmental investigations underway, and noted that this investigation did not include fire service - is that intended for the future? This report is not complete. Mr. Lynch said the basis for asking for the report was anything seen that could clarify the accusations. Mr. Blomgren said we should have had the benefit of the Fire service input. Mr. Blomgren asked if we have a written FIA requests, and Mr. Lynch said yes, from the Independent.

Mr. Brem said he hopes the BOS doesn't take any action tonight, or not until after 9:00 pm or on March 21st. Mr. Brem left the meeting at 7:35 p.m.

Mr. Joyce asked why were there conclusions made by Investigator Rourke - they were damaging to the Town and to the departments involved. Why didn't the police ask questions of others? Mr. Lynch said there are no criminal allegations and the Police Dept. handled the matter in a professional manner. He said that if there is a problem with any service the important thing is that management responds, which we've done. By the release of the document we're up front and open with the public. We had no grounds to hold back a public record and he thought he had indicated to the Fire Chief that the Police Dept. was investigating. His one regret is that he didn't keep the Fire Chief more informed.

Amended Minutes of February 13, 1995 Special Meeting as requested by Mr. Joyce.

Mr. Joyce asked him if he felt that in releasing the report he has affected the integrity of the Police and Fire Depts. and Mr. Lynch asked if Mr. Joyce is saying that he shouldn't have released the document. Mr. Blomgren responded that Mr. Lynch knows that, that he should have let Town Counsel review the report and it was an error in judgment on Mr. Lynch's part.

Mr. Joyce said that the Fire Dept. should have been asked to offer input, that this has left people in doubt about medical safety and leaves the Ambulance Study Committee prejudiced - this is mismanagement.

Mr. Blomgren said that he feels the BOS has been held hostage and had to read in the paper each day what is happening. He wants information from the Police Chief - what was the nature of the investigation intended to be? He then asked Fire Chief Jack Parow to speak.

Chief Parow read a prepared statement, stating he feels it needs to be known that the residents of Chelmsford have a pre-hospital emergency medical care and response system that is second to none in this area. This system has been newly implemented within the past 14 months and he gave a detailed explanation of the new system. The Chief added that any decisions made were the best for that particular situation.

Mr. Blomgren said he wants to meet with the Police Chief and come back with additional comments at the Feb. 21st meeting, that the document should have been reviewed before it was released.

Mr. Joyce then asked for an Executive Session to discuss the professional reputation of an individual.

Mr. Lynch asked if that person has been given the 48 hour notice as required by statute and Mr. Joyce answered No, but we can request that he waive it. Mr. Lynch said not without counsel. Mr. Joyce then quoted the open meeting law: notification may be waived upon agreement of the parties. Mr. Lynch said he will not waive it. Mr. Joyce said it's not his decision, it's the subject person and our (BOS) decision. Mr. Lynch said Ok but if it's me I want to know about it. Mr. Joyce said No, it's not you and Mr. Lynch said that he didn't care, then. Mr. Joyce said he still feels we need an Executive Sessic...

(Selectman) William Dalton, 12 Dartmouth Street, said he is the Town employee under discussion and he wants to waive any executive session and answer in public session. He feels we have only heard one side of the story with the two incidents

injuries many times.

Mr. Dalton continued that he has always given the extra mile to service, and asked what the ambulance attendant meant by saying he had a bad attitude. He was asked by the EMT to carry the patient 4 steps to the stretcher. We have always had a high level of service and Mr. Dalton questions the timing of these complaints - they started in November when the Chief made public his proposal for an in-house ambulance service.

He said that Bill Dalton and the other 4 firefighters did nothing wrong - they have collectively had app. 100 years of service. He asked the Town Manager why he didn't come to the Firefighters, and he takes offense that his work ethic is being questioned. The new policy was already in place when the report was in place.

Sharon Weitz, Chelmsford Independent, asked Mr. Blomgren if his meeting with the Chief will be an open meeting and Mr. Blomgren said it will certainly start out as an open meeting. He will have Town Counsel look at the document to make sure it's complete and give us guidance as to whether or not it should have been released. Mr. Lawlor asked what are we asking him and Mr. Blomgren said should he review any Freedom of Information Acts requests for documents before they are released.

Laura Doyle, Lowell Sun, asked when did each member of the Board become aware of the problems with the medical service in the Town, between the firefighters and the ambulance EMTs. Mr. Joyce said he read the article on Thursday but he did know prior to the articles being published. Mr. Parow said there has never been any problem with the medical service and Mr. Lawlor said he knew Feb. 1st or 2nd. Mr. Blomgren said he won't answer due to potential conflict of interest re the delivery of service.

Mr. Lawlor stated that with the release of this report the Town's exposure to liability has not been increased and nothing in the report is privileged from disclosure. Ms. Weitz asked if the BOS has heard of any potential litigation and Mr. Blomgren said that would come from Town Counsel, Ms. Weitz asked if we expect further reports from the Police Dept. and Mr. Lynch said No.

At 8:20 p.m. motion by Mr. Joyce, seconded by Mr. Lawlor, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

77-12-15

Regular meeting of the Board of Selectmen held Tuesday, February 21, 1995. Members present were: Roger A. Blomgren, William F. Dalton, Jeffrey a. Brem and Peter V. Lawlor. Mr. Blomgren said that Selectman Robert P. Joyce will be 15 - 20 minutes late. Town Manager Bernard Lynch was also present.

Chairman Blomgren called the meeting to order at 7:00 p.m. and said that the three candidates for the Board of Selectmen were invited to attend the meeting and give a brief summary of their backgrounds and interests.

Susan Gates, 7 Trotting Road, said that she is an attorney and teacher of ethics, and involved in several Town activities and boards. She is concerned with the severe fiscal challenges we face as a Town and we need to close our projected deficits. She said that we need leaders, not polarization and rigidity, and should put behind us issues already debated by Town Meeting. She welcomes calls, opinions and votes.

Peter V. Lawlor, 50 Dalton Road, said he is a candidate for re-election to a second term on the BOS, and feels that he brings balance, integrity and common sense to the Board. His message three years ago was that Chelmsford is a great Town, that he expects to work well with his colleagues and as a member he will represent all the people in Town and he still feels this way. He has never missed a meeting, has lived 35 years in Town and will look at all aspects of the way we do business, and feels the BOS needs his experience.

Evelyn Thoren, 18 Pinewood Road, said our forefathers stood for fair taxation, freedom and democracy and so does she. She supports voting hours of 7 am - 8 pm since voting is a priceless right. She has volunteered with many school organizations and will work closely with the School Committee. She has a background and degrees in analytical science and will show where our tax dollars go and complete the five year plan.

During the Open Session Liz Marshall, League of Women Voters said they are constantly studying issues and holding to the Town's Charter. She is disturbed to see Charter referendum proposal questions go on the ballot after being defeated at Town Meeting. She asked what is the purpose and asked Mr. Dalton what will he do if they should get approved.

Mike Sockol, TM Rep from Precinct 5, said that he and Steve

Mallette are opposed to Mr. Dalton's proposals, that there is rigidity of purpose and the recommendations are not only flawed but wrong. This proposal openly questions and judgment and ability of Town Meeting reps to do their job and questioning the wisdom and judgment of the people who elected us. People who don't vote are resisting politics and finding fault seems more important than solving problems. Their advise to the Board is to seriously review the impacts of this proposal and please reject it.

Kathryn Fisher, TM Rep. Prec. 3 said that the petitioners are deliberately trying to undo the work of the TM Reps and that the BOS is also representative, not the sole decision makers. This petition is saying to the TM Reps that we don't like your decisions, but none of the articles defeated would enhance Town government. She is opposed to placing the 7 questions on the Spring Ballot.

John Chemaly, President of Trinity Ambulance, then addressed the Board, saying that: 1. he wants to dispel the rumor and 2. correct the fallacy about how safe is the Emergency Medical Response Team. It has never been more efficient through the efforts of Jack Parow, Armand Caron and Bernie Lynch. Trinity took over the ambulance service on Jan. 1, 1994 and since that time we have all been striving to maintain a level of care that is second to none. Trinity has recently been awarded an Advanced Life Support license, the first greater Lowell ambulance company to do so. The Fire Dept. has upgraded its staff to the EMT level and has received semi-automatic cardiac care equipment. The Police Dept. is equipped with more medical and first responder than most towns.

He asked have problems occurred over the past several months to cloud the medical response issue in Chelmsford - absolutely.

Is Trinity intentionally degrading the integrity and experience of the Fire Dept. - absolutely not.

If incidents are reported they will be investigated. He and Chief Parow should have realized potential problems when the firefighters became certified EMT's and unfortunately we did not. A protocol has been worked out under the direction of the Town Manager for the transfer of patient care to the Trinity crew as they arrive on the scene and aid the firefighter/EMT in the patient assessment.

Contractually Trinity is legally liable for patient care and it must be transferred quickly from one team to the other. The residents of Chelmsford should be grateful that the goal is to provide the Townspeople with prompt, efficient,

low-cost quality care.

Mr. Lynch has charged the Ambulance Study Committee to look into possible other options for providing ambulance service to the Town and let's not distract them from their goal. An accord has been reached and we should strive together to make it work.

Selectmen Robert Joyce joined the meeting at 7:30 p.m.

John Coppinger, Prec. 4 TM Rep. addressed the BOS, stating that he is mad about the action that the BOS has taken to upset the vote of the TM Reps. He has heard recent talk from the BOS that the TM reps aren't in touch with the people but this BOS is out of touch with the voters. He has a good feeling for the wishes of the Townspeople and the fact that all the articles re the Charter were defeated should make the Board stop and think. He feels the Manager works with the BOS but if this is not the case they have not done their job. Mr. Coppinger concluded that very few people who are running for Town Meeting Rep are challenging any incumbent reps, and don't let the BOS try to go back to "the good old days".

Bill Griffin, Prec. 2, said that re the EMS services, it is unfortunate that we have to see events unfolded in the newspaper - this can do a lot of damage. It has been handled incorrectly and an apology would help heal the rift. He added that there are 3 areas of government - Town Manager, Board of Selectmen and TM Reps. No one is most important - they must all work together.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan.. to proclaim March as Scholarship Month. Mr. Joyce read the proclamation which was accepted by Bill Gillette, CH of the Scholarship Fund Committee

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the minutes of the regular session of January 30, 1995. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the Ex. Sess. minutes of Jan. 30th, not to be released without the approval of Town Counsel.

Mr. Joyce read the list of Executive Session minutes to be released as ordered by the Attorney General. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to release these minutes contingent upon review by Town Counsel.

Under Town Manager Reports, Mr. Lynch said he will wait for

the Auditors, Finance Director and the Town Accountant. Mr. Lynch commended the Winterfest Committee for a great success, mentioned the variety of activities and the enthusiasm of the Committee, and noted that over 1,000 residents took part in the activities. Mr. Blomgren asked that letters of appreciation be sent to all committee members from the BOS. Mr. Brem also commended the committee for their documents presenting breaking and reports.

Mr. Lynch reported that he has sent a letter to the editors of the local papers regarding community dialogue in the five-year plan. He is setting up forums with various PTO's. Women of Today, LWV, Chelmsford Business Association to get their input. He has received positive input so far, and Mr. Blomgren asked him to set a Work Session for the BOS to give their input.

He reported that there is a meeting scheduled on double poles with the utility companies and to let Marian Currier know of any specific poles that BOS members want taken care of.

Re Town line signs, Mr. Lynch said that signs are on all roads except Rte. 27, Groton Rd. and Dunstable Rd. The new State DPW in District 3 has been very cooperative.

Mr. Lynch said that the NVTHS appointment is coming up in March and the process is to send a letter of interest to the BOS, Moderator and School Committee, and the openings will be advertised on Cable 43.

The meeting on Freeman Lake scheduled for tomorrow night has been postponed.

Mr. Lynch reported that the Solid Waste bids have been opened and he and the SWAC are still analyzing them. They are 3 - 5 year bids at very positive prices, and very moderate escalation over the next 5 years. Mr. Lawlor commented that we have done well financially by dealing with the "junk bond market" of trash. Mr. Lynch said that under "trash" we don't have to take the lowest bid, that we have many requirements to be met and it is a complicated bid.

Mr. Lynch then said that re the process of investigation regarding the Fire Dept. he agrees with Bill Griffin that we need a period of healing and commended Jack Parow and John Chemaly for their professionalism. He is confident and comfortable with the actions he took, but in retrospect he wishes that Chief Parow and the BOS had been more informed during the process. It is important for him as Town Manager and a responsible Officer of Government that we move forward, and that the services we offer to the Townspeople

are the best we can afford. Town Counsel has suggestions on developing a more formalized procedure re complaints re services and employees, but given the sensitivity of the matter people needed to know that we're not sweeping anything under the rug. He thinks he made the right decision.

Bob Kennedy, LRTA Administrator, introduced Jim Good, CH Rep., Frank Trombley, Gen. Manager and Tim Goddard, Planner. Mr. Kennedy said they are here at the request of Chelmsford/Westford for the proposed Chelmsford/Westford bus route. He said that this suburban route is designed for success. It goes from the terminal out to Rte. 129 and then out Rte. 110 to the Westford Market Basket and Westford Regency where it will turn around and come back the same route. The bus will run hourly from 6 am - 6:30 pm, is ADA compliant, will provide college students access to U.Mass Lowell and Middlesex Comm. College, will help to attract new businesses and is a "win-win" situation. The Town needs to endorse the proposal, they will hold a public hearing and get support from the State.

Mr. Lawlor commented that this is great, great news - that it is important to employees, businesses and major taxpayers, and the LRTA is to be commended. Mr. Kennedy said he appreciates Mr. Lawlor's support, that the net cost to Chelmsford will be app. \$58,625 and they expect to 39,000 fares per year on this route.

Mr. Lynch said they need a commitment, that there will be an increase in our assessment of app. \$58,000, over our present assessment of app. \$80,000. He wants to see us try to get the E.O.T.C. to subsidize this for us. It will help get employees into areas that they can't now, and will cut down congestion on Route 129. Mr. Kennedy said they need the vote by the end of April, and a vote tonight would be the intent to proceed. Mr. Brem said we may want to time the bus schedules with shift changes, running one late in the evening.

Laurie Jenkins and Steve Carey then discussed Transportation for Disabled Workers with the BOS and Mr. Kennedy. They both have used the Road Runner to get to work at Wang although Mr. Carey has his own van. Ms. Jenkins said it is adequate but she has to leave her home 1 1/2 hours early. Private companies are very expensive - \$35 one way. They want the Road Runner to have more flexible hours to conform to the work schedule.

Ms. Jenkins said that there is a program "MetroMobility in Minnesota" and the bottom line is that she is looking for

something more flexible for workers, that the Road Runner could run from 6:00 am - 6:30 pm and she has heard that it will go to surrounding Towns. It is pretty sad for a taxpayer not to be able to get to work. Mr. Blomgren said he would like to see a copy of the Minneapolis program. Ralph Hickey, ADA Coordinator, said that since the Act passed the federal govt. has been releasing some govt. funds for handicapped transportation.

Mr. Kennedy said the LRTA is meeting with Mr. Hickey and Susan Brooks on March 7.

Ms. Jenkins also asked for some type of enclosure for employees to wait for the bus at the various industries and shopping centers. Mr. Lynch commented that Eagle Scouts are always looking for projects and Mr. Hickey said he will have more information after the LRTA meeting on March 7th.

Frank Francioni, affiliated with the Mai Kai Restaurant, and Assistant Manager Robin Mendoza were present with an application for a video game to be put on the bar in their lounge. The game plays solitaire, pool, bowling, 21, trivia and they are putting it on the bar so the bartender can supervise and control the age of the players. The cost per play is \$.25 and there is no payoff.

Mr. Lawlor said we have had a long tradition in Town of not having poker machines. We license games of the pinball type but don't want anything related to gambling. Ms. Mendoza told the BOS that Mickey's in Billerica has this same game if they want to see it.

Motion by Mr. Lawlor, seconded by Mr. Brem, unan for discussion to defer the vote until the next meeting so members can see the machine and Mr. Blomgren asked for a brochure on the machine.

Auditors Bob Brown and Steve Barrett from Brown & Barrett were present to discuss the FY94 Audit. Mr. Lynch noted the Management Letter and Mr. Brown said it was a very good audit. The last 4 years have been a transition, with 4 different Town Accountants, but we are on the right path now and making great progress. Jean Sullivan and Fred Mansfield have put in good controls and most items pointed out in the past few years have been resolved.

Mr. Blomgren noted that two School Dept. matters are still open and Mr. Lynch said that Fred and Jean are working with Bus. Mgr. Bob Cruickshank, that these are revolving accounts. He added that Fred and Jean are tremendous additions to our management team. Mr. Brem said it is important to note the progress made in two years, we have accomplished our objective and our accounts are in order.

Fred Mansfield handed out the latest bond prospectus for \$2.8 mil, noting that when we do a prospectus we do give a 5-year history of the Town's finances and Mr. Lawlor added that the audit impacts the bond rating. Mr. Mansfield said we have maintained an A-1 bond rating for the last 10 years and expect to maintain it. He said that collections for FY94 were 97.6% and the total outstanding for unpaid taxes is \$1,394,000. We file for tax title after 6 months, then it goes to Land Court and usually the tax is paid during that period. Mr. Brem noted that this report gives some great detail on how the Town is run and is available to residents.

Under BOS referrals, Mr. Joyce reported that the Tax Classification Committee has met and elected Glenn Thoren Chairman and set a list of priorities and goals. They will meet on a monthly basis and report in October. He asked about the Fire Chief's contract, and Mr. Lynch said he and Chief Parow are putting something together like the Police Chief's contract and they are reviewing it.

Under Appointments Mr. Lynch said he has advertised and received 2 applications for Board of Appeals alternate and has appointed John Coppinger, 20 Ansie Road. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve this appointment.

Mr. Lynch read the list of Deputy Constables as submitted by Constable Bill Spence. Motion by Mr. Joyce, seconded by Mr. Dalton for discussion, to approve. Mr. Dalton said people have asked why are people from out of Town appointed, and Mr. Lawlor told him that these people are process servers, that only Mr. Spence can post warrants.

On the sale of Town-owned land Mr. Lynch read the property and the high bidder and the price. Mr. Lawlor said it should be put on the deed that no structure is to be erected on the parcel, and Mr. Brem suggested that Mr. Lawlor add this to the policy recently approved by the BOS. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the sale of the listed lots for the bids as read by Mr. Lynch.

Under Unscheduled Business Mr. Lynch noted correspondence from the Town Clerk re a change in the name of Randall Road pertaining to E-911 - home owner Gary Kinney wants to change his portion of the street to East Randall Road. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to change the name

of that section of Randall Road to East Randall.

Re the Ballot Question Proposals, motion by Mr. Brem, seconded by Mr. Lawlor, to withdraw question 7, dealing with the depression of utilities, because we are working with NMCOG to get federal/state funding before putting this question to the voters.

On Question #1 motion by Mr. Joyce to delete the Board of Appeals, which has never been an elected office. Mr. Dalton did not agree with the motion, he wants to vote each position separately. Mr. Dalton stated that the reason the BOS presented these questions was to give the Town a chance to vote on them. He doesn't agree with all these articles but he is trying to stay in touch with the community.

Mr. Brem commented that if these are voted in the affirmative as non-binding and comes back to the BOS and them to Town Meeting, and if defeated there, do we go around again.

Mr. Lawlor said to Mr. Dalton that his petition with 2700 signatures said that the BOS is not listening to us - we didn't and we've suffered for it. There were explicit numbers at the last Town meeting, and he's hearing that Mr. Dalton is not listening to them. This contains the same level of arrogance and "we know better" attitude that his petition accused the BOS of.

#1 - motion by Mr. Joyce, seconded by Mr. Dalton, unan. to amend by deleting Board of Appeals.

Motion by Mr. Dalton, seconded by Mr. Joyce, to put #1 on the ballot. Vote was 2 in favor (WFD, RPJ), 3 opposed (PVL, JAB and RAB, who voted Nay saying that we are making tremendous progress in these areas).

#2 - motion by Mr. Dalton, seconded by Mr. Joyce, to put on ballot. Vote was 3 in favor (RPJ, WFD and RAB) 2 opposed (JAB and PVL).

#3 - motion by Mr. Dalton, seconded by Mr. Joyce, unan. to withdraw.

#4 - motion by Mr. Dalton, seconded by Mr. Joyce, to put on the ballot. Vote was 2 in favor (WFD and RPJ), 3 opposed (JAB, PVL and RAB because there was sufficient discussion at Town Meeting).

#5 - motion by Mr. Dalton, seconded by Mr. Joyce, to put on the ballot. Vote was 2 in favor (RPJ and WFD), 3 opposed

(RPJ, JAB and RAB - sufficient discussion).

#6 - motion by Mr. Dalton, seconded by Mr. Joyce, unan. to withdraw.

The office will check to see if Elizabeth Drive and Fairbanks Road Extension have been accepted as public ways.

Re Polling Hours for the Town Election April 4th, the Town Clerk has requested hours from 10 am - 8 pm for expense saving reasons. After much discussion, motion by Mr. Joyce, seconded by Mr. Dalton to set the hours from 8 am to 8 pm and request business groups to purchase 2 banners to put the Town Squares announcing election day.

The time and location for Town Meeting will be voted on at the March 6 meeting after the Town Manager has looked into having some changes made at the Senior Center.

Under New Business Mr. Dalton asked about the parcel of land at School and Joy Streets, where the old Fire Station was. Mr. Lynch said we're having it reassessed. Mr. Dalton said the person is still interested and moved, seconded by Mr. Joyce, unan, to bring the article back.

Mr. Lawlor announced that the Town has attracted 3 major new businesses through EDP: the Whistler Corp. of Westford is going to 16 Elizabeth Drive, spending \$500,000 on updates, will have 225 employees go from Westford to Chelmsford and hire an additional 100 people for temporary work; the Nashoba Group is going into 321 Billerica Road, and the Cintas Corp. will construct a \$3mil building on Apollo Drive. Our commercial vacancy rate has dropped from 45% to 28%.

Mr. Lawlor noted that Bertucci's Restaurant is donating 10% of their proceeds tonight to Friends of the Park.

Mr. Dalton left the room during the next presentation.

Mr. Brem said that he has sent a memo to the BOS and Town Manager and read the memo, regarding looking into having fire service being privatized and in-house ambulance and in-house paramedic service. He said that two possibilities are to: 1. put forth a non-binding question on the spring ballot, or 2. instruct the Town Manager to establish either a new ambulance study committee or instruct the present committee to study this proposal.

Motion by Mr. Brem, seconded by Mr. Lawlor for discussion,

to approve the 2nd proposal. Vote was 1 in favor (JAB), 2 against (PVL and RPJ), RAB not voting.

Motion by Mr. Brem, seconded by Mr. Lawlor for discussion, to approve the second proposal. Mr. Lawlor asked what is the goal and Mr. Brem said that: 1. we need to increase public safety in Town and should look at increased medical service and combining the Town and private sectors.

Mr. Blomgren stepped down from the discussion due to a conflict of interest.

Mr. Brem continued that: 2. there could be a large cost savings and he thinks this is the wave of the future. Mr. Lawlor told him that if this proposal is a result of the upheaval in public safety the last few weeks he can't support it, that the components are tied to what and who we are as a Town. Mr. Brem said all he wants to do is to increase the scope of the Ambulance Study Committee. Mr. Lynch said he wouldn't give this to the Committee at this point - privatization is not at the top of the list, maybe regionalization.

Motion by Mr. Brem, seconded by Mr. Lawlor for discussion, to approve the 1st proposal - a ballot question. Vote was 1 in favor (JAB), 2 opposed (RPJ and PVL).

Mr. Blomgren took back the chair and said that re the Town Manager's reports on the Fire Dept. Investigation, Mr. Blomgren read the opinion from Town Counsel and statement dated Feb. 20, 1995. He apologized to Jack Parow, firefighters, Armand Caron and Bill Dalton for the misconception and lack of communication.

Mr. Blomgren read a letter dated Feb. 21, 1995 from the girl mentioned in the accident on Billerica Road on Jan. 19 stating that she and her friend were very pleased with their treatment from the Fire Dept.

Mr. Blomgren re-assured the Townspeople that our Emergency Medical Service is second to none.

Mr. Dalton rejoined the meeting at 10:45 p.m.

Mr. Blomgren read a draft policy re the Freedom of Information Requests, and wants the Board to approve it tonite with the understanding that they can amend the wording at the next meeting.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to waive the policy of waiting to vote on a policy until the next meeting.

Mr. Brem asked that we ask Mr. Harrington to specifically

recommend either this or another policy.

Motion by Mr. Joyce, seconded by Mr. Dalton, to adopt the policy subject to the review by Town Counsel and with the caveat that BOS members can come back with language changes. Mr. Lawlor asked to amend the motion to add to make sure it is not all inconsistent with the statute.

Mr. Brem said we need an opinion re the deposition of records, and Mr. Lynch said that the intent of the 10-day period is for the convenience of the person holding the records. Mr. Brem suggested that we hold the policy for 1 - 2 weeks to get the report.

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve the policy and pass it by the BOS, Town Counsel and the Town Manager. Vote was 4 in favor, 1 opposed (JAB).

Mr. Blomgren stepped down from the chair and moved to rescind the vote until such time as Town Counsel has reviewed the content of the policy, seconded by Mr. Brem, unan.

At 11:00 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

J. L. E. Carter

CHELMSFORD 12 APR 1995

Regular meeting of the Board of Selectmen held Monday, March 6, 1995. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Lynch was also present.

Mr. Blomgren presented Paul Druan with a key to the Town in recognition of his achieving Eagle Scout and thanked him for his work done on his project at the Liberty Hall in South Chelmsford.

Mr. Joyce read the Girl Scout Week Proclamation and moved to approve, seconded by Mr. Dalton, unan.

Pauline Murray, BayBank rep. was present with bonds to be approved and signed by the BOS. Mr. Lynch said that we sold \$2.6mil last week at an interest rate of 5.065% and have an A-1 rating. The rate is comparable to Towns with AA ratings and very good news for Chelmsford.

Ms. Murray said that there were 6 bids and BayBank won. The bond market looks favorably at the Town due to our Moodys rating, that the debt is exempt from Prop. 2 1/2, and that the Town is always paying off its debt within 10 years. Mr. Lynch added that the North Chelmsford Water District gets the benefit of our Moody's rating, and our reserve fund is the highest in 10 years. All of these save the Town money.

Al Gorham representing the Veterans' Memorial Park was present a to explain that they are planning a Tower of Glory, using donated flags that have been on Veterans' coffins and flying them for a month on the Center Common pole. Bill Hahn will coordinate this effort.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to endorse this project.

Mr. Joyce asked to Hold the minutes of Feb. 13 and Feb. 21.

Mr. Lynch then went through the list of Warrant Articles.

Art. 1 - standard, to hear reports. Invite C. Cleven and C Hicks to attend.

Art. 2 - budget.

Art. 3 - Capital Planning art. - not completed - want to stay at \$ 1 mil level.

Art. 4 - Reserve Fund - \$150,000.

Art. 5 - transfer of \$12,500 from sale of Lots and Graves to Cemetery budget

Art. 6 - Audit - \$19,000 for annual audit

Art. 7 - Sand lease, land behind Highway garage - 1 - 2 years to go on lease - Mr. Lynch said we are still exploring purchasing the land and he will have figures for a future

meeting.

Art. 8 - authorize the sale of Police cruisers and purchase of an additional 4 cruisers

Art. 9 - BOS to sell town-owned land lots 35 and 36, Shore Drive

Art. 10 - raise funds to pave Mallory Street and assess betterments. DPW Director Jim Pearson said this street is open to the public but not a public accepted way. He is looking into programs used by other towns, that we have to pave unaccepted streets. Mr. Lynch said we maintain it in terms of grading and every day access. Mr. Pearson said that sometimes Towns have a percentage split between the town and residents - this is a narrow road, and difficult to place shoulders.

Art. 11 - Street Acceptances - will hold Public Hearings later tonight.

Art. 12 - means to record votes at Town Meeting - Reps to maintain.

Art. 13 - apply for state/federal funds to defray costs of new library - we need a vote to apply for funds.

Art. 14 - parking ban from 12 am - 6 am from Dec. 1st to March 31st. Mr. Dalton asked where will people park, and Mr. Lynch said in driveways, or municipal lots.

Art. 15 - asking the Town Manager to appoint a Harbor Master oversee the boat ramp at Southwell Field. This could be a joint position with Lowell and Tyngsboro. Mr. Lynch will have more details on this, noting that the ramp itself was funded by the State.

Art. 16 - petition - Town Manager to give report on each article passed at Town Meetings prior to past 10 months. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to ask the petitioner to make a presentation to the Board, as is past practice.

Art. 17 - Charter change - to change manner in which TM Rep vacancies are filled.

Art. 18 - General Wetlands By-law - ask Conserv. Comm. to give presentation to BOS.

Art. 19 - release of easement on North Road between two properties - reduce from 20' to 10'

Art. 20 - Senior Tax Rebate program.

Art. 21 - Establish a Reserve Fund of \$150,000 for the settlement of collective bargaining contracts.

Art. 22 - payment of old bills - none anticipated.

Art. 23 - prohibit vendor participation at certain Town events

Mr. Lynch added that we may have a Special within the ATM. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to place all 23 articles on the warrant.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to hold

the Spring Town Meeting at the Senior Center on April 24 and successive Thursdays and Mondays. Mr. Joyce said that we need to improve the audio/visual situation at the Center and Mr. Lynch said that Matt Scott is working on this.

A Public Hearing was then held concerning two dogs owned by Mark Bilodeau, 17 Mt. Auburn Street. Mr. Blomgren swore in all persons who will testify.

Emily Mondello and Ken White, 22 Mt. Auburn Street spoke first, stating that Mr. Bilodeau has two 3-year old dogs, male and female, who have cornered and knocked down 3 children in the one year that Mr. Bilodeau has lived in the neighborhood and frightened all the children. He has disregarded the neighbors concerns and leaves the dogs unattended in his back yard for 12 hour days where they bark incessantly. They have also heard that two persons on Brentwood Road were attacked when Mr. Bilodeau lived in that neighborhood.

Mr. Joyce asked if any actions were taken by the Town on the Brentwood incidents and Mr. Lynch said we weren't notified at the time. He added that he had sent a letter to Mr. Bilodeau on Nov. 7, that he responded on Nov. 9 and the next was the letter from Ms. Mondello and Mr. White dated Jan. 27.

Mr. Lawlor asked about other dogs in the neighborhood and Ms. Mondello said that their owners respond when there are complaints.

Mr. Blomgren said the file shows 8 - 10 instances where the dogs have knocked children down and scratched and bitten them. He showed photos of one incident, and a petition signed by 16 neighbors.

Gordon McLachlan, 12 Green Way and father of Pip, the girl who was scratched, said he lives next to Mr. Bilodeau, and when he went to see him, the dogs charged and bit him in the rear end. Pip was playing in their yard when the dogs charged her.

Genevieve Morash, 14 Mt. Auburn Street, said her son Nicholas was attacked when he had been playing on the other end of the street and coming home and didn't know the dogs were loose until they knocked him down. She has since been driving him back and forth on the street since there is no way of knowing that the children are safe from the dogs, that there are no safeguards. The neighbors have had to change their lifestyle due to the dogs.

Janice Wire, 15 Mt. Auburn St. next to Mr. Bilodeau, said her 13-year old grandson was knocked down by the dogs in her own yard but he beat them off with a stick. She is tired of

the dogs being in her yard, and people aren't walking much these days.

Lynda McCumber, 18 Mt. Auburn St. has 4 children ages 5 - 8 and the dogs bark whenever they go outside.

Mark Bilodeau, 17 Mt. Auburn St. then spoke, saying that he walks the dogs every am and pm by his stone wall, not in his neighbors yards. Ms. Mondello and Mr. White have given him nothing but grief and they have altered all the stories. His dogs are not attack dogs, just very playful, and he showed their chains, photos of the dogs in his back yard, and said that he put up a fence after Pip was hurt.

Mr. Lawlor said we have heard from a number of neighbors and there is a problem and it is up to the Board to figure out how to solve it. Mr. Bilodeau said that almost every home has dogs and the facts have been grossly distributed. Mr. Brem said that a resident of Chelmsford has been harmed by his dogs and Mr. Blomgren said not once but in several instances. Mr. Bilodeau said he has always asked people if they were hurt and all said no, now they are saying yes.

Mr. Blomgren noted that there were two women bitten by the dogs when they lived on Brentwood and Mr. Bilodeau said that he had a fenced in yard but they were puppies and jumped over and dug under the fence. Mr. Lawlor said that with the information that we've heard tonight what would Mr. Bilodeau recommend that the Board do and he said if it happens again and someone is hurt then the dogs should be banned.

The Board referred to the Police reports, noting that there have been 3 reports in 2 1/1 years.

Mr. Bilodeau said that the female is very unaggressive, that the dogs are not purebred Golden Retrievers but both protect their yard and property. His mother Gloria Arbette said she has 7 children and grandchildren and the dogs are not vicious. Debbie Chase, his sister, watched his dogs when they lived on Brentwood and they played with her 6-year old daughter. They are rambunctious, not vicious attack dogs. Ms. Mondello showed pictures taken of the dogs in their yard on Feb. 14 and said they have a copy of the certified letter sent to Mr. Bilodeau by Mr. Robert Pontefract, 22 Brentwood Road.

Mr. Pontefract then addressed the Board, stating that his wife Virginia had been bitten by the dogs and had to have tetanus shots. Mr. Bilodeau never called them or spoke to them. Mr. Bilodeau claimed that he did respond to their letter but the Police Dept. and the Dog Officer did not say she was bitten, there are several dogs on Brentwood and nothing proved it was his dogs.

Kenneth Morash, 14 Mt. Auburn Street, said his son was knocked down and jumped on in January, that the dogs were free in the yard that night and he called them off his son.

Steve McLeod, 8 Green Way, said he is a dog lover and has a black Lab and his house backs up to Bilodeau's. The dogs have not affected him directly but their constant barking is keeping his children awake at night.

Mr. Joyce said he has talked with many people who had signed the petition and were reluctant to come to the meeting. They want all the reports to be part of the record.

At 9:10 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to close the Public Hearing.

Motion by Mr. Joyce, seconded by Mr. Dalton, that based on the testimony tonight and the recommendation of the Dog Officer that within 72 hours the dogs (Duke and Diva) be removed from Town. He said that he has never seen so much documentation on two animals, that the lives of children and the elderly are at stake and this is the action we have to take.

Mr. Dalton said that people have to feel secure in their neighborhoods, that we do have a 24 hour leash law, and this is the appropriate action.

Mr. Lawlor said that normally it is the Board's practice that when a dog is heard for the first time we try to work it out, but that's not warranted here and the motion is appropriate.

Mr. Blomgren said he supports the motion not even reluctantly, he has never seen so much documentation and Mr. Bilodeau saying wait until someone is injured is inexcusable.

Vote on Mr. Joyce's motion to ban is unanimously in favor.

John Bush, Nynex Company, presented a joint petition to place two poles on Navillus Street. They are rearranging some cable and both poles will be guyed and more than 3' from the edge of the pavement. DPW Director Pearson approves the request.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve petition #877. Mr. Lynch noted that there will be a meeting on double poles this week with Nynex and Mass. Electric.

Mr. Pearson then presented the Board with the list of streets to be accepted at the Annual Spring Town Meeting and Public Hearings were held on the following:

1. Adirondack Road Extension - approved by the Planning Board in 1981, and serves 2 homes, with a T-shaped turnaround. This lack of acceptance came about when the Planning Board was reviewing its older files.

Jacqueline McCarthy, 7 Adirondack and Margaret Kopika, 8 Adirondack were present to question what the notice meant and Mr. Pearson said that the Town will be responsible for its maintenance now. Ms. McCarthy said their concern was that we would try to extend the road to Acton Road, and Mr. Pearson said that acceptance wouldn't enhance extending to Acton Road, or hinder it, that would be Planning Board action.

Motion by JAB, second WFD, unan. to close the hearing.

Motion by RPJ, second WFD, unan. to recommend acceptance at Town Meeting.

2. Boyds Lane - Mr. Pearson said this has acted as a public way for 10 years, and came up during file cleaning. No one had any questions.

Motion by RPJ, second WFD, unan. to close the hearing.

Motion by RPJ, second WFD, unan. to recommend acceptance at Town Meeting.

3. Burton Lane - Mr. Lawlor abstained from this hearing.

Mr. Pearson said the As Built plans have been submitted but the street opening fee not paid. The Planning Board approves acceptance by the Town and then go after the developer for damages. The tri-party agreement is no longer in effect because the bank failed. He is recommending that the Town do the work in finishing the street and catch basins and then go after the developer for costs (\$2 - 3K). He said that when lots have been released there is no incentive for the developer to finish the street.

Attorney Joseph B. Shanahan, Jr. who was present representing L.R.L. Development, said that the Town is not taking it on the chin unless we vote to accept the street. There is no way the Planning Board should bring this forward, with no petition from residents or the developer. The Town should check their statutory authority to accept streets. There is a legal controversy pending and he respectfully requests that the BOS has no right to accept Burton Lane. Mr. Pearson said the Planning Board approved the project in 1987 and the developer said he would submit it for acceptance within 24 months but this was never done. Mr. Shanahan referenced the letter from Town Counsel dated 11/15/93.

Steve Hunt, an abutter, said he has been asking the Town to complete the road since he has no access to part of his land.

Motion by JAB, second RPJ, to close the hearing. 4 in

favor, 1 abstention (PVL).

Motion by RPJ, second WFD, to refer the matter to Town Counsel. Vote was 4 in favor, 1 abstention.

4. Carter Drive - 1300 feet approved in 1977. Mr. Pearson said for all practical purposes it should be approved. A passbook has been held by the Planning Board so the developer may get some money back.

Walter Lane, 16 Carter Drive, said there is some cracking and settling from the sewer project and will the Town be accepting it as is.

Mr. Pearson said he will look into it and Mr. Blomgren said if the Town has recourse we should fix it and charge it against the passbook, if this is legal. Mr. Lane said it was definitely the sewerage and Mr. Pearson said we should try to work with the developer.

Margaret Wetzel, 11 Carter Drive, asked about streetlights, that the street is wide and dangerous and there is only one on either end. Mr. Lynch said we will check into that.

Motion by JAB, second RPJ, unan. to close the hearing.

Motion by RPJ, second WFD, unan. to recommend for acceptance.

Mr. Pearson said he will have more information by Town Mtg.

5. Peders Place - 4 lots off Concord Road. It was approved in 1994 and constructed this past year. The houses are all occupied, the street was built to spec and the As Built plan submitted - all was done correctly. Mr. Joyce asked about settlement problems and Mr. Pearson said the street has to be 100% complete and go through 1 winter - we will re-evaluate this in the spring.

Motion JAB, second RPJ, unan. to close the hearing.

Motion PVL, second JAB, unan. to recommend for acceptance.

6. Omni Way - 4 lot industrial subdivision. Mr. Pearson has met with the developer and asked for minor improvements - curb cuts, patch tracks, etc. He is asking the BOS to hold their vote for Town Meeting.

Motion JAB, second RPJ, unan. to close the hearing and take no action at this time.

Under Town Manager Reports, Mr. Lynch asked Mr. Pearson for a DPW report.

Mr. Pearson reported that there are 2 traffic signal projects going on - 1. re Glen Avenue and Chelmsford Street they have met with Mrs. Nelson, Rte. 3 Cinema and the Gulf Station and have met State approval. Two contracts need to be signed: 1. the State and the Town, and 2. the Town and Demoulas, who will pick up the Town's expenses and have also paid for design and construction. Motion by Mr. Joyce, seconded by Mr. Dalton, unan, to endorse and support the

contract with CMD Inc. for absorbing the costs from the Town for operations.

2. Parkhurst Road and Drum Hill Road - Mr. Pearson said that Alexander's will provide for the design and construction and brought in a 25% plan which needed a lot of work. Traffic and Safety sent the plans back and now have a 50% plan. They don't need a State permit since it is not a State road but do need approval from Lowell who agrees as long as it is at no cost to them. The Town will be expected to maintain the signal and pay the electric bill. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to endorse the concept of the Parkhurst/Drum Hill signal project.

Mr. Lynch reported that re speeding on Concord Road, the Police did a 2-week radar check and found the average speed was 37 mph when the posted speed is 35 mph. As far as the number of accidents, there have been 7 all during the winter season and a result of weather conditions. He will contact resident John Banazani who had asked for this information. Re the No Left Turn sign at Rtes. 110 and 129, Sgt. Ubele feels it is still necessary for now but will take the request to remove it to the Traffic and Safety Committee. Mr. Lynch recommends retaining it.

Mr. Lynch said he is meeting with the School Committee tomorrow night to discuss additional school aid monies.

He reported that the Affordable Housing Review Committee is reviewing a proposal for a 6 lot project on Erlin Road, with 2 units being affordable.

Mr. Lynch noted that the Apple Country Club may be for sale, and Andy Sheehan and Holly Rice are looking in to how could the Town take it for a municipal golf course. Mr. Lawlor said this is appropriate to discuss in Executive Session.

Under Contract Awards Mr. Lynch said the Library Endowment Committee is hiring a consultant for fund raising purposes and has chosen J. Donovan Associates for \$6,000. They interviewed 4 firms and will develop a plan and he would award the contract as recommended. Motion by Mr. Brem, seconded by Mr. Lawlor, unan. to ratify this award.

Mr. Joyce noted that we got a \$1745 rebate from MIIA and why did other towns get more. Mr. Lynch said that it depends on the loss ratio and was based on 1991 which was not a good year for us.

He asked about Chief Parow's contract and Mr. Lynch said it is ongoing.

Mr. Joyce asked about combined dispatch - has Mr. Lynch done

any type of studies? do you have a plan? what is the additional cost? Mr. Lynch said that studies have been done - a 1989 MMA study and the Talisman report both recommend combined dispatch. He has talked with other communities and it has been very successful. It is not being done haphazardly and we have been doing some cross training and we plan to put it in place in May before E-911 comes on line in June. There will be 2 dispatchers at all times. It will cost \$20 - \$30K to run a wire down North Road and will be under the direct supervision of the Police Chief but both chiefs are coordinating the project.

Mr. Dalton said that the Apple Country Club has a conditional 6 month all Alcoholic License contingent upon ADA compliance and what if they are not out by the end of June. Mr. Lynch said it is up to the Board. He asked how do we test the fill that is proposed to go into the Glenview Sand and Gravel and Mr. Lynch said it will be controlled by the Board of Health and DEP.

Mr. Lawlor said he attended the Finance Committee meeting when the Library Building Committee made their presentation and they should be invited to our next meeting.

Mr. Brem said he and the Town Manager will meet to set up an Open Space Committee to look at policy and will include reps from the Consv. Comm., Planing Board, Land Conservation Trust, BOS, Andy Sheehan, Holly Rice and 2 citizens at large.

He reported that Hanscom Air Force base will retain its status and increase personnel, which is a bid benefit to the Town.

Mr. Brem presented two new policies: 1. lowest possible interest rate for bonds and 2. annual stabilization fund of 1 1/2% of operating costs each year.

Mr. Blomgren reported that he had attended a legislative breakfast at ARC, 55 Middlesex Street that about 90 persons from Town are being helped and he wants to invite Yvonne LeGarde to attend a future meeting.

He said that re the Freedom of Information Request policy we have just received a draft from Town Counsel and will look it over and give input and vote at the next meeting.

Under Unscheduled Business the Mai Kai Restaurant request for an Automatic Amusement license was discussed.

Motion by Mr. Lawlor, seconded by Mr. Dalton for discussion, to deny. Mr. Lawlor said he has made inquiry into machines like this and they are close enough to the machines that we have always tried to keep out of Town.

Mr. Joyce noted that Ralph Hickey has asked the BOS not to

grant the Mai Kai any licenses until the curb cuts and handicapped parking signs have been put in place. Vote to deny was 3 in favor, 2 opposed (WFD and RAB).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve a 1-day All Alcoholic license for St. John's Church for Saturday, March 18th from 6:30 p.m. - 12 a.m.

At 10:55 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Judd E. Carter

Regular meeting of the Board of Selectmen held Monday, March 20, 1995 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

The Nashoba Valley Technical High School Committee appointment was first on the agenda. Mr. Blomgren noted that this is an annual process and turned the meeting over to Moderator Dennis McHugh who noted that there is a quorum of both the BOS and School Committee present to vote for one regular and one alternate member. Mr. McHugh said there are 3 candidates present and asked each one to give a brief synopsis of their qualifications.

Susan Carr said she is currently one of the Town's 3 reps, appointed 16 months ago. The school enrollments has increased and she is on the policy committee.

Mary Jo Griffin said she is an educator now working in technology and believes in vocational education. She feels that NVTSHS has great potential and she can bring real world knowledge and experience to the committee, and is willing to take either position.

Sharon Shanahan said she was on the marketing committee that made the video promoting Nashoba Tech and is the parent of 3 students at Nashoba. She would be happy with either position and has seen the school do a tremendous turnaround. Mr. McHugh asked for nominations : Motion by Mr. Volpe, second Mr. Joyce, to nominate Susan Carr; motion by Ms. Mallette, second by Ms. Frantz, to nominate Sharon Shanahan; motion by Mr. Lawlor, seconded by Mr. Dalton, to nominate Mary Jo Griffin. Vote was S. Carr - 3; S. Shanahan - 4 ; M. Griffin - 2.

Discussion was held as to whether a majority vote was needed or just the most votes and after a call to Town Counsel it was determined that it should be a majority.

Vote on the full position was: S. Carr - 1; S. Shanahan - 6, and M. Griffin - 2. Sharon Shanahan has the full position. Vote on the alternate position was Mary Jo Griffin - 8 in favor, 1 opposed (Mr. Volpe).

Mr. Blomgren congratulated Mr. McHugh on his induction into the CHS Hall of Fame.

During the Open Session John Conrad, 3 Wildwood Road, asked to speak on the CIRO'S application but was asked by Mr. Blomgren to wait until the Public Hearing.

Jack Fudge, 32 Janet Road, spoke regarding the meeting of February 13, 1994 where the Town Manager was quizzed about the Police investigation, and Mr. Dalton spoke and said he did nothing wrong. After the meeting he approached Mr. Joyce, who was very threatening to Mr. Fudge and his wife. Mr. Fudge asked are we going to hear from the Police Chief and he thinks the Town should appoint a reputable person to do an investigation.

John Gallant, Attorney for Trinity Ambulance, said they didn't specifically address the reports because they didn't want to detract the Ambulance Study Committee and they, too, are concerned about the articles and paid ad in the Lowell Sun. The BOS has received a report from the Fire Chief that Trinity has not yet seen. He asked to present Trinity's written report at a Special Meeting on March 27 or April 3rd and their concern is the public's safety and rights. Mr. Joyce said that it seems that Trinity's story was told to the Police Department and Mr. Gallant said that Trinity only provided facts, not details, and now they want a chance to respond to these incidents and their opinion. They will bring in the EMT's involved if the Board wishes.

Tom Mills, 25 Wagontrail Road, said he has read the Police report and it was a "Kangaroo Court." If the report had gone to the BOS first we wouldn't be in this situation now, and he commended Selectmen Dalton, Blomgren and Joyce.

Mr. Blomgren then presented joke gifts and a plaque to Mr. Brem since this is his last meeting as a BOS member. Mr. Brem then spoke, noting issues that have been resolved and that Town departments are now operating much more professionally and he is leaving Chelmsford a better community. He asked the Board to act in a pro-active sense.

Mr. Joyce read a proclamation - Chelmsford Art Society 25th Anniversary Week, which was presented to Peg Shanahan. He then moved to approve, seconded by Mr. Dalton, unan. and read a proclamation "Mental Retardation Awareness Month."

A Public Hearing was then held on the application of CIRO'S for an All Alcoholic Restaurant license. Attorney Gregg S. Haladyna, representing Chelmsford Restaurant Inc. d/b/a CIRO'S, said they are applying for an All Alcoholic Restaurant license to be exercised on the premises at 285 Chelmsford Street, where a new restaurant is to be built. He introduced principals James Hantzis and George Yannakopoulos and Manager John Mendonca. Mr. Haladyna said

this will be the flagship for the other 4 CIRO's Restaurants.

He explained the **permitting process**: in Sept. 1993 they made a proposal to the BOS to re-zone the site; the Planning Board held a Public Hearing and Town Meeting approved the change in October, 1993. They conducted neighborhood meetings in January and March, 1994. The Board of Appeals held a Public Hearing and they granted a variance. The Site Plan review has been held by the Planning Board and there has been public involvement at all levels. The site is 50,000 sq. ft. and the 2 existing vacant buildings will be removed. The taxes have all been paid and the parking is in the rear and in compliance with ADA. The second floor will be offices, the ground floor the restaurant and lounge, and the basement restrooms and liquor storage. There will be an elevator connecting the 3 floors.

The **hours asked for are**: Sun. - Thurs. - 11 am - 1 am; Fri. and Sat. - 11 am - 2 am. They will be serving food at all hours, and expect revenue to come 20% from alcohol and 80% from food.

Mr. Haladyna asked the BOS to waive their policy of waiting to vote until the next meeting and to vote tonight. It has been a long permitting process and the license must be pledged as collateral for the loan, and this is also the last meeting of the Selectmen who are hearing the presentation tonight.

Architect John Sullivan said the building will be 14,000 sq. ft., with a maximum seating capacity of 282 and what is shown now on the plan is 237. There will be 18 seats in the lounge.

John Conrad, 3 Wildwood Street, questioned the traffic patterns and Mr. Haladyna told him that it was a condition of the Site Plan review that they work with the State and they now have received approval from the State DPW for the improvements, which will have to be paid by CIRO'S. Mr. Lynch noted that the Town Engineer supports this traffic plan. Mr. Joyce said that as Planning Board liaison he thought all the issues had been resolved.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to waive the policy of waiting until the next meeting to vote on a license and take action tonight. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Motion by Mr. Joyce to approve the license at the hours stated, seconded by Mr. Dalton, unan. although Mr. Blomgren said he would prefer a 1 am closing.

The Board then met with Bill Hahn, Director of Veterans' Services. Mr. Lynch said he has taken a leadership role on Persian Gulf veterans health problems. Mr. Hahn said we sent them off with parades and welcomed them home with parties, and he wants Chelmsford to take the lead in helping them now. There are 65,000 Gulf vets who are sick and think we don't care. We need to try to get help for them. Mr. Hahn introduced Robert Lawson-Regnier, Wellman Ave., a Chelmsford vet who has been unable to get the right treatment for his Gulf related illness. The only person who has given Bobby any help is Dr. Victor Gordon of Manchester, NH.

Mr. Hahn said we want to know of any other veterans who have the same symptoms, and Bill Larson, Bobby's father, said that Dr. Gordon is the only one who has given him any help.

Sam Moulin, Dept. of Veterans Services, Comm. of Mass. said we poisoned them before they got to the Gulf, with the shots they received, and that the number of veterans is increasing and the VA facilities are decreasing. Bobby should never have been discharged by the VA and there have been 64,000 men from Massachusetts sent to the Gulf. He asked the BOS to send letters to our State reps urging the Governor to form an emergency commission and he will get a draft motion to Bill Hahn for Town Meeting. Bobby will not be treated or compensated until the VA recognizes this disease.

Sam Poulten, Berkeley Drive and a member of the Army Reserves Medical Corps, said that Bobby is not forgotten and he attests to the validity of what's been said and said that we should start an "Adopt a Veteran" program. Mr. Dalton asked for a round of applause for Bill Hahn, who goes overboard to see that veterans get what they deserve.

Yvonne LeGarde, of ARC (Adult Retarded Citizens) was present to tell the Board how they are spending our dollars. When retarded citizens reach 22 the State no longer provides for them. Greater Lowell now has 19 homes for 60 people and 50 people go to programs at 55 Middlesex Street everyday. There are 500 diagnosed retarded adults in the greater Lowell area and next year there will be no services for those turning 22. They are a United Way agency and also operate the Respite Care facility on Groton Road. She introduced two of her clients - a woman with a 12 year old mentality who has had a baby, and the mother of a retarded young adult who said she could find no programs for him until ARC.

At 9:20 p.m. the Board took a 5 minute recess.

Maggie Marshall and members of the Library Building Committee were present to show plans for the proposed addition to the Adams Library. They gave a slide presentation, noting that the current facilities look good from the outside but are non-handicapped and hard to get into, and inside there is little space to maneuver. 17% of the general population is handicapped. It would cost \$600,000 to make our current facilities accessible and the library would lose 1/4 - 1/3 of the space. There is a parking problem with space for only 30 cars and they commend the staff for making the maximum use of space available. They showed the plans for the proposed expansion, noting that the existing site is most viable and they plan to have a 36,000 sq. ft. building with room for 120,000 volumes, 75 parking spaces and a community room.

The cost will be \$7,000,000 and they are applying for State Aid to hopefully provide up to 1/3 the cost. The Library Endowment Committee is trying to raise \$500,000, and the rest will be financed with a 10 year bond that will cost the average homeowner \$4.83 monthly the first year and decrease to \$3.85 monthly the last year.

Ms. Marshall said that we will hear about our State Aid in the fall, and will ask for Town Meeting approval in October and ask for a Sepcial Election in November.

Mr. Joyce asked to hold approval of the minutes until the next meeting.

Under Town Manager Reports, Mr. Lynch said that Bill Hahn has left but he was going to talk about the 50th Anniversary of the end of World War II. There will be a meeting of those interested on April 13 at 7:00 pm at the Old Town Hall.

Mr. Joyce said that the POW/MIA flag at the North Common needs to be replaced and the Center Common flag needs to be put back.

He asked if we have holders to put out all the flags around the North Common on Memorial Day the way we do in the Center and Mr. Lynch will check into that.

Mr. Joyce asked if we could have a decent sound system at the North Common and Mr. Lynch will check on that.

Mr. Lynch went over budget changes, noting that the total revenue change is \$579,692 and the total expenditure change is \$589,692. The budget is basically in balance.

The Capital Improvement program - the committee sets a target of \$1 mil. They were asked for \$2.4 mil this year and the total now is \$1.1 mil.

Mr. Lynch reported that the North Town Hall is being looked at for short-term storage for the Town and Schools, and we have a quote of \$27,000 to repair the outside of the building.

Mr. Joyce noted that there is no mention of an ambulance in the Capital Planning article and Mr. Lynch said the Study Committee is not ready yet but may be for a Special Town Meeting within the Annual.

Mr. Lynch reported we have received a petition with 123 signatures to call a Special Town Meeting to rezone land off Oak Hill Road. This will be sent to the Planning Board to hold the necessary public hearing.

Mr. Lynch said that the Fire Chief has submitted a report on the EMS situation and Chief Jack Parow is here to present it to the Board. Chief Parow read the cover sheet of his report, noting that there are 2 issues: 1. public safety, which he and John Chemaly are most concerned with, and the two issues brought up were settled within 2 weeks of the incidents; and 2. investigations, reports and policies - he wants to see his end of it put to bed. His concern is the care that the townspeople get and it is excellent.

Mr. Blomgren said Trinity wants to share their findings with the BOS and we have a citizen's request that there was not sufficient input from all parties.

Mr. Brem asked Mr. Parow as a new chief did he find any major problems and Chief Parow said the basic problem was lack of communication between Police and Fire and first responders. Now Police and Fire respond together and we have an additional ALS unit with Trinity. The issue with Trinity has been the transfer of patient care, which changed when firefighters became EMT's. This problem has been worked out.

Mr. Brem asked about the morale of the Department compared to when he started, and the Chief said as a whole, pretty good - it is now down because of the police investigation. He is taking more input from the troops, rather than just supervisors.

Jack Fudge said he wants to see the two reports combined,

and Mr. Blomgren asked Chief Parow to spend some time with him, saying let us move on.

Other Board members agreed it is time to get the matter over with. Mr. Lynch said it is time to set it behind us. Are we delivering the best medical service available to the Town and since we are, let's move on.

John Chemaly, Trinity Ambulance President, said he respectfully requests to withdraw their earlier request and put the matter to bed.

Mr. Dalton said his character, work ethics and morals are being challenged. He is not a liar and his character has been damaged. He asked where do we go with Bill Dalton. Chief Parow read the last paragraph of his report: "After interviewing all Fire Department personnel on scene and reading the statements by the Police Department personnel on the scene, I could not find any evidence to support the Trinity EMT's claim that Firefighter Dalton was rude to him."

Under Selectmen Referrals Mr. Joyce said he is concerned about people who are appointed to committees who don't show up at meetings. Mr. Lynch said he has spoken to such members in the past but he and Mr. Joyce will draft a policy on this matter.

Mr. Joyce said that many political signs are not set back the required 15 feet and with the Building Inspector away, who enforces this. Mr. Lynch said he will send a copy of the sign by-law to each candidate and also warn them of the safety issue when they are standing holding signs.

Mr. Joyce said he wants to clarify the record with Jack Fudge, that he raised his voice to me and I raised mine back. He also felt threatened. He apologized to Mr. Fudge, saying he did provoke me but I shouldn't have responded in that way.

Mr. Dalton said that at the Elizabeth Grady Mall on North Road there have been 30 - 40 trees cut down. Mr. Lynch said that this is on private property and they can do it unless there are wetlands involved.

Mr. Dalton said the chain link fence at the Roberts Field playground is in sad shape and Mr. Lynch said it is being repaired.

Mr. Lawlor said that Title V changes are to be implemented

March 31st, which will have a great impact on homeowners trying to sell their homes if they are not sewered. All septic systems will have to be inspected when a home is being sold, and the DEP anticipates a failure rate of 50%. If a system fails the seller is responsible for repairing it and Mr. Brem said most average repairs run around \$4,500. Mr. Lawlor cited the Town of Natick's program of helping homeowners remove old oil tanks, where the Town puts the money up front and the homeowner pays it back gradually. Mr. Brem said that the State has a betterment program and all we have to do is to adopt it. There would be a lien on the property so the Town would get its money back if the property is sold. Mr. Lynch will follow up on this.

At 11:00 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, unan. to continue business after 11 o'clock.

Mr. Blomgren said the residents on Meadowbrook Road are asking for a barrier from Route 3 and asked if the State would provide anything. Mr. Lynch will check into this.

Mr. Blomgren announced that Cleanup Week will be April 29th.

Mr. Blomgren said that we have been invited by the Town of Concord to join them on April 8th for a commemorative march and he asked if someone could go.

Mr. Blomgren congratulated the CHS Hockey Team for winning the Division I Championship.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to extend the Cable TV negotiating process through June 29, 1995.

Under Appointments, Mr. Lynch said he needs people on the Open Space Advisory Committee and 2 residents and a BOS rep. Mr. Brem said he will volunteer as a citizen.

Under Contract Awards Mr. Lynch said he would recommend Waste Management, the low bidder, to receive the Solid Waste Contract and asked Barbara Scavezze for a quick synopsis. She said the recycling program will be self-supporting next year and we can eliminate drop-offs, since so much more material can be recycled curbside. She wants to add a brush drop-off next year, and said there is a household goods drop off on April 8th, including metal goods but not appliances. She needs volunteers for cleanup day on April 29th. Mr. Blomgren asked for a spread sheet for the next meeting.

EAP contract will go on the next meeting.

Under Policies, Mr. Blomgren asked that the BOS approve the Freedom of Information Policy. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve. Mr. Brem moved to adopt his policies on 1. bond offerings and 2. Stabilization Fund. Motion to adopt the policies as written was seconded by Mr. Lawlor, unan.

At 11:20 p.m. motion by Mr. Joyce, seconded by Mr. Dalton, to go into Executive Session to discuss contractual negotiations and real estate. Roll Call vote was as follows: RPJ-Aye; WFD-Aye; JAB-Aye; PVL-Aye and RAB-Aye. Mr. Blomgren said they will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

David E. Carter

SEPMY 16 PM 2:58

Reorganization meeting of the Board of Selectmen held Thursday, April 6, 1995 at 7:00 p.m. Members present were: Roger A. Blomgren, Robert P. Joyce, William F. Dalton, Peter V. Lawlor and Susan J. Gates. Town Manager Bernard Lynch was also present.

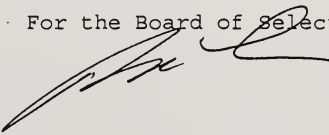
Chairman Roger Blomgren welcomed Susan J. Gates as the new member and only the second woman to be elected to the Board of Selectmen. He welcomed back Peter J. Lawlor, who won re-election for a second term.

Motion by Mr. Dalton, seconded by Mr. Lawlor, unan. to elect Robert P. Joyce as Chairman for the coming year.

Motion by Mr. Blomgren, seconded by Mr. Dalton, unan. to elect Peter V. Lawlor as Vice Chairman for the coming year.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to elect William P. Dalton as Clerk for the coming year.
Ms. Gates took the fourth seat and Mr. Blomgren the fifth.

At 7:15 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by


JULY 16 PM 2:58

Regular meeting of the Board of Selectmen held Monday, April 10, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:00 p.m. He noted the car accident over the weekend in which 5 teenagers were injured. He welcomed Ms. Gates to the Board and congratulated Mr. Lawlor for being elected for a second term. Mr. Joyce recognized Mr. Blomgren's past year as Chairman and presented him with a plaque for his hard work.

Mr. Joyce said we will adjourn briefly at 8:00 p.m. so people can go down to the gym to vote for Water Commissioner. To vote you must be a water taker in the Center District and a registered voter.

Mr. Joyce read an opening statement, saying that we have to finish the 5-year plan and set reasonable goals and strategies to meet our objectives. He said that the Board is here to oversee, not to over look and he is looking forward to a peaceful, productive year.

A Public Hearing was held on the Cable TV Franchise at 7:00 p.m. Members of the Cable TV Advisory Committee were present, with Attorney Peter Epstein who is representing the Town in the contract negotiations. Don Ratte, Manager of Lowell Cable, JoAnne Somers of Colony Cable and Michael Leone of Continental Cable were also present. Mr. Leone showed a short film on the company and said he is prepared to answer questions.

Mr. Epstein said that local licensing authorities approve the takeover of Colony by Continental. Mr. Leone said that it a non-cash transfer but is part of a \$1.4 billion deal and shareholders of the Providence Journal Co. which now owns Colony would trade their stock for Continental stock and Continental will be the parent company of Lowell Cable TV. The application for approval was made in February and the BOS has until June 14th to make the decision.

Atty. Epstein had a series of questions to ask Continental, including who would the Town look to for local decisions. Mr. Leone said there will still be local management in Lowell indefinitely, that no changes are planned.

Mr. Dalton asked about Cable 6 specifically, is it going to stay active in Chelmsford, Tewksbury and Lowell? Mr. Leone said that they have no plans to change it, since it appears to be of real value to their customers. Atty. Epstein asked for this statement in writing.

During Public Input, many residents spoke asking that Cable 6 remain in Lowell and asked for that to be part of the contract. Speaking were Henrick R. Johnson, Jr., 53 Stonegate Road, Samuel Poulten, 16 Berkeley Drive, Sandy Donovan, Chelmsford Community Exchange; Dennis J Ready, 2 Abbott Lane; Bradford Emerson, 30 Lantern Lane asked if we have a guarantee that our community access channels will be preserved and Mr. Leone said they will remain as they are and Continental will stand behind any commitment.

Mr. Lawlor asked Atty. Epstein what are the 3 most critical things for the Town to consider and he said the financial qualifications of Continental, how it will help the Town and what have other communities experience been with that company.

Phil Currier, 54 Boston Road, said it is a real concern of local residents that we maintain Channels 42 and 43 and Cable 6, and also that we won't lose Cable 6 to a regional station. He understands that Lowell didn't include this but he feels that Chelmsford needs to.

Dennis Ready said that over 12 years we have watched Lowell Cable grow, that the Town and Cable 6 have grown together and there will be big trouble if they take away Cable 6. John Coppinger, 20 Ansie Road, had two questions: the last time we had changes there was less cost but more to pay for the mix, and Mr. Leone said they have no plans to change the rates or the offerings. He also asked about the time frame for the contract, saying he hopes it could be for only 5 years, not 15. Mr. Lynch said that the first contract is always for 15 and the next for no more than 10.

Rene LaRouche, Dunshire Drive, asked if channels will be taken away and rates changed and Mr. Ratte told him that they have also been confused since rate regulations, and that the Cable TV system in Chelmsford is full now but there may be added capacity with the new contract.

At 8:05 p.m. Mr. Joyce suspended the Public Hearing and recognized Chelmsford High School Athletic Director Jack Fletcher and the coaches and captains of the winning Winter sports teams. Mr. Fletcher said that the Boys' Ski Team was first in the Mass. Bay Ski League; Girls' Track Team - Merrimack Valley champs for 3 out of the past 4 years; Boys' Swim Team - Merrimack Valley champs; and Boys' Hockey Team - he has been coach for 19 years and many times they have been Merrimack Valley champs but this year they are Division 1 State Champions for the first time ever. The Board and the audience all cheered and applauded them.

Mr. Lawlor asked Atty. Epstein how we check on performance with other communities and Mr. Leone said they have given us that information and we are welcome to contact them. More questions were asked and Norm Eisermann, 144 School Street, said why don't we give them written questions and ask for answers.

Kelly Beatty, Cable TV Advisory Committee, said that they have been monitoring the contract with Colony and signals have been maintained, reception courteous, service prompt and fairly priced that the response is there. Lowell Cable has been in compliance with the contract, that complaints go to Cy Locke of the Commission and then to Don Ratte, who has always followed up on them. CATV member Jake Sartz said that cooperation with Don Ratte has been enthusiastic and precise.

Atty. Epstein said he wants to see rates and brochures from other communities and asked for response to his questions in not more than 2 weeks and Continental agreed to this.

Mr. Lawlor moved, seconded by Mr. Dalton, unan. to proclaim April 28, 1995 as Arbor Day and read the proclamation, which was accepted by Donna Johnson of the Chelmsford Garden Club.

At 8:40 p.m. Chairman Joyce adjourned the meeting temporarily so people could go down to the gym to vote for Water Commissioners.

At 9:00 pm the meeting reconvened, with Mike DiGuiseppe of Bretucci's Restaurant present to request an extension of hours.

Selectman Lawlor left the room due to a potential conflict of interest.

Mr. DiGuiseppe said he had come before the Board in October, 1994 requesting a liquor license for Bertucci's, which was granted. At the meeting Mr. DiGuiseppe had requested that operating hours on Monday through Thursday be from 11 am to 10 pm, although the written application had said 11 pm. Based on his presentation the Board granted 11 am - 10 pm. He stated that liquor is not a big part of their business and asked to have the hours extended. He has had meetings with the Building Department re signage, particularly the illuminated sign on the North facade of the building. 15,000 lumens are allowed for signs, and this sign is only 11,000 since it is in a residential neighborhood. The Building Inspector asked them to remove

it and he submitted a report to him stating that they would use lexan panels, which cut the spillover by 40%. It would be similar to the Papa Gino's sign. He said that the Building Inspector agrees with their analysis and they have ordered the panel, which will be installed within 7 - 10 days. Ms. Gates asked if it is an internally illuminated sign and Mr. DiGuiseppe said Yes.

Mr. Blomgren said he feels a sign on that side of the building is not needed, that their business appears to be very good and they should take down the sign. If they lose business because of it they can come back to the Board. The lighting doesn't enhance the neighborhood at all. Mr. Dalton said he agrees with Mr Blomgren, don't have the sign lit.

Mr. DiGuiseppe said that Bertucci's lighting specialist Joe Capote had 2 suggestions - light from the bottom and top, or the lexan panels.

Ms. Gates said she was at the Sign Advisory Committee meeting as Chairman of the Historic District Commission, along with Pat Saber, Hank Hamelin and residents of the neighborhood. The spokesman from Bertucci's said they will do the best they can, but she said there was no definite answer.

Mr. DiGuiseppe said he thought that Joe Capote and Tony Zagzoug had reached a consensus, that we were going in the right direction with the lexan panel.

Michael Bowser, 7 Bridge Street, said that the elimination of the overspill is the only answer.

Mr. DiGuiseppe said they would like to work out something and is it a viable option to put up the lexan panel and then check.

Arthur Johnson, 18 Bridge Street said we live in a residential area and can see the sign. You couldn't put that in an historic town like Concord or Lexington. Mr. DiGuiseppe told him that they do have a lexan panel in Lexington.

Ralph Hickey, 31 Littleton Road, said the attitude of Bertucci's has been one of arrogance and the sign has no commercial value. After the meeting they put 5 spotlights on the yellow awning.

Mr. Lynch told them that the BOS doesn't have to vote tonight but can wait until April 24th so Bertucci's can measure the need for the sign vs. the extra hours.

Ms. Gates commented that it is too bad it wasn't clear at the Sign Advisory meeting but we can't vote to extend hours until something is done with the sign. Mr. DiGuiseppe said that the sign has nothing to do with the extension of hours.

Peggy Dunn, 2 Bridge Street, said that we talked about a white sign with black lettering and noted Section 3351 of the Zoning By-law re overspill.
Mr. Lynch said the BOS is not ready to vote tonight and he will meet with Bertucci's and the residents before the next meeting.

Motion by Mr. Dalton, seconded by Ms. Gates, to wait until the 24th when we have input from that meeting. Vote was 4 in favor, Mr. Lawlor not present. Ms. Dunn requested that all Boards take a good look at signs before they go up.

Mr. Lawlor returned to the meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton, to approve the minutes of Feb. 13, and 21 and March 6 and 20. Vote was 4 in favor, Ms. Gates abstaining because she was not a member of the BOS at those meetings.

Motion by Mr. Lawlor, seconded by Mr. Dalton, to approve the minutes of the Executive Session of March 20. Vote was 4 in favor, Ms. Gates abstained.

The Burger King Summer Street license was discussed and Mr. Joyce left the room since his business abuts theirs. Mr. Lawlor took over the chair, noting that when the BOS renewed licenses they had noticed littering and loitering at the Summer Street site and only renewed their license for 3 months.

The area manager and Kim Hood, Training Manager and Drum Hill manager overseeing Summer Street were present. They said they are working with the landlord on ADA compliance and noted their letter to the BOS dated March 22.

Mr. Dalton said he has seen them picking up trash and saw Mary Beth, the manager, chasing young boys away and they were very rude to her. He feels Burger King has been trying to correct the problems.

Motion by Mr. Dalton, seconded by Ms. Gates, to grant their license through December 31st and keep an eye on them. Vote was 4 in favor.

Mr. Joyce returned and took back the chair.

Bob Greenwood of the Conservation Commission addressed the Board on the Commission's warrant article, stating that the members felt their Wetlands by-law could be less wordy so they went over the language, eliminating and simplifying. Town Counsel has reviewed the new by-law, and it basically the same, just easier to understand.

Petitioner Dennis J. Ready explained Article 16 to the Board, which calls for the Town Manager to give a brief update on what happened to articles voted at Town Meeting the previous year, which will give the reps and townspeople a chance to see a year later whether an article was good or bad. This report would not include budget or zoning articles.

It was announced that the vote for Water Commissioner was 225 for John Harrington, 102 for Bruce Foucar.

Under Unfinished Business motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the All Alcoholic One-day license to St. Vartanantz.

The speed limit on Concord Road was discussed, and Mr. Joyce read the Police Chief's recommendation. Motion by Mr. Lawlor, seconded by Mr. Dalton, that the Board approve the recommendation of the Chief. Mr. Blomgren asked if this will solve the fundamental problem, which is speeding. Mr. Joyce said he has been to several Planning Board hearings and he thinks the lower speed limit will help.

Mr. Blomgren asked to amend the motion to remand the matter to the Traffic and Safety Committee to see if they have any other ideas. Mr. Lawlor agreed to amend his motion to read after we make the change in the speed limit to refer the matter to Traffic and Safety for additional input. Vote was 5 in favor of the amendment and 5 in favor of the original motion.

The Board then discussed the re-naming of Farley Brook Road for E-911 purposes.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the Board make the following findings of fact: 1. that the subject roadway is not an accepted street; 2. that the naming of the roadways now is likely to lead to confusion and 3. that the BOS hold a Public Hearing before approving the name change.

Barbara Scavezze, Solid Waste Coordinator, talked to the Board about the Town-wide Cleanup Day scheduled for April 29th, saying that she has heard from 6 scout troops and several organizations and the day looks successful. She said the Elks are holding a cookout after the cleanup for all who participate. She gave the Board a list of organizations and areas and asked each member to take a section and get a crew to clean it up. She asked Mr. Joyce

and Mr. Lynch to speak briefly, and asked for any other donations - money, T-Shirts, etc. She has also sent flyers to all the schools.

Ms. Scavezze then went over the trash contract with the Board, noting that April 18 is the last day of the 60 day period to award the contract. Waste Management was the lowest bidder for the 5-year bid. The spread sheet dated April 6 showed an excess of funds to cover the 5 year period, due to the override and 2 1/2% increase. The plastic and paper drop-off will be increased with curbside recycling for more types of paper, and the market is now excellent for paper. The questionnaire responses showed that people want 2 brush drop-offs and 2 metal drop-offs per year. She is confident that Waste Management will recycle, and will pay the Town \$20 per ton for mixed and \$20 per ton for paper. The brush drop-offs will be at Community Tree.

Mr. Lynch told the Board that their bid saves us substantially from where we are now, and will save more in the future. He said that he may come back within the next 4 weeks with a longer term bid and telling them where to take our trash and recycling.

Mr. Lawlor asked if Town Counsel is reviewed the contract and Mr. Lynch said that he has reviewed the RFP and we turn that into the contract. Mr. Lawlor asked if there are any re-openers for Waste Management and Mr. Lynch said no; do we augment fees if the market changes - no; and can they pull out of the contract - no, because they post performance bonds.

Mr. Blomgren said he wants to see a cap not to exceed the override and Mr. Joyce told him that Town Meeting approved 2 1/2% growth per year.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Town Manager's awarding the contract to Waste Management.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to award the brush drop-off contract to Community Tree at a cost of \$1500 per drop-off.

Mr. Lynch gave the Board an update on the FY96 budget, stating that all the lottery money is going to the cities and towns that should be, but the State appears to be cutting back on Ed Reform and Chapter 70 monies. This is on the House floor right now and the Legislature should pass the budget around July 10th. There is also talk about earmarking lottery monies to the schools.

Mr. Lynch said that the School Dept. has asked for a joint meeting with the BOS and the FinCom on Tuesday, April 18. He is asking for a short Executive Session before the meeting and a Work Session to go over the Special Town Meeting warrant after the meeting.

Mr. Lynch told the Board that Robert Hicks wants to donate a parcel of land on Warwick Drive to the Town, and Andrew Sheehan says the Conservation Commission wants to acquire it. Mr. Lynch recommends that the BOS approve the acceptance of the gift by the Conservation Commission.

Mr. Lawlor stepped down and left the room.

Mr. Lynch said that the land is probably not buildable and we could make use of it as public, open land. On the downside, we will not be getting the tax revenue. The Board will talk about this further at their meeting on April 24th

Mr. Lawlor re-joined the meeting.

Mr. Lynch said that as a reminder the Building Inspector is informing all residents that Yard Sales do require permits from his office.

He said the State is reviewing for sound barriers on Route 3 as requested by Mr. Blomgren.

Mr. Lynch said under Appointments that he is appointing 4 residents to the Open Space Advisory Committee, along with reps from the Land Conservation Trust, Conservation Commission, Planning Board, Recreation Commission and a Selectman. He is appointing Judith Hass, Peggy Dunn, Robert Morse and Jeff Brem. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve these appointments.

Under Contract Awards Mr. Lynch said that he intends to renew the Employee Assistance Program with PPC for another year and then review it again. A number of employees have utilized it and it appears to be a step in the right direction. Mr. Lawlor wanted to defer this until the Work Session.

Under Selectmen referrals, Mr. Dalton said he had received correspondence about the Elizabeth Grady Mall on North Road and Mr. Lynch said he has sent him some correspondence from Andy Sheehan, Land Use Coordinator. He asked if Wang actually did cut trees and Mr. Lynch said there is no permit required for cutting trees on private property.

Mr. Dalton said that a lot of the political signs in the community during the past election were in violation, and wants to make sure that each candidate receives a copy of the sign by-law. Mr. Dalton said he will draft a policy re political signs.

Ms. Gates said re the sign by-law, she has had requests to look into the enforcement of it. There are supposed to be no lighted window signs and we either need to enforce this or change the by-law. Mr. Lynch said this matter has grown out of control and needs to come back under control. He will report back within one month.

Mr. Blomgren said he has had inquiries re the policy on locking Town Offices doors and asked Mr. Lynch for the policy. He can't understand why the side door was locked and do we need a bell there.

He asked about Roberts Field fencing and said the field is in rough shape. Mr. Lynch said the RecComm and DPW are looking at getting the field in shape. Mr. Blomgren said if we can get the materials Little League and the fathers will work on it.

Mr. Joyce reminded the BOS about the Guns and Hoses affair at the Elks on April 29th.

At 10:55 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to go back into Executive Session. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPU-Aye. Chairman Joyce said the Board will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

John E. Carter

SEPT 16 1995

Meeting of the Board of Selectmen with the School Committee and Finance Committee held Tuesday, April 18, 1995. BOS members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager was also present. All members of the other two committees were present, along with Dr. Dick Moser, Supt. of Schools, and Bob Cruickshank, Business Manager.

School Committee Chairman Wendy Marcks called the meeting to order at 8:15 p.m., stating that the purpose of meeting with everyone together is that two weeks ago the School Comm. said they would share information before Town Meeting. She said they find themselves in a situation and haven't been able to bring the BOS up to speed and we want to tell you what the issues and problems are.

They have a long-term problem with their salary structure and want to save the Town cumulatively over the years. They also have a class size issue.

Dr. Moser gave a handout and said that they have met with Town reps., school councils and different groups.

Their FY95-96 budget is \$27,109,778, including additional Town monies of \$840,738 with no new State Aid. Budget Alternative #1, with State Aid - fully funded Ed Reform adding \$593,547 for a total of \$27,703,325. does not meet their needs, noting Page 2, Column 1 above Instruction, stating that most of these items are either fixed by law or needs, and they only have \$1.3 mil to play with.

The question of how to spend the \$840,738 - would mean no salary increases but some increase in staffing, about \$500,000. They would add \$200K for Special Ed (SPED) , \$40K for SPED transportation, facilities and Xerox basically level funding, and instruction up by \$250,000. If they got an additional \$593,547 they could cover payroll increases (the professional support personnel contract is settled) for \$318,000 already fixed costs not in the original budget. This leaves \$250,000 - we have a need for 19 teachers to get back to where the class size was, but that could pay for 7 or 8 teachers. There is no contingency for SPED - we would put \$400,000 to that, either for new kids or out of district applicants. There is an increase in SPED transportation and legal fees. We are currently negotiating with 4 unions and there are no monies for results of collective bargaining agreements.

The School Dept. has a proposal that begins to solve the long-term problem but they can't support significant changes

without spending. They are placing balancing class size with collective bargaining, and if they get \$593,547 they have a management problem.

Ms. Marcks said they do have a problem and the FinCom is aware of it - we are going to try to invest in the future through bargaining.

Mr. Lynch said that late this afternoon he received the latest state figures from the House budget and it looks better for the Town. He has put together a quick summary and there may be full funding of Ed Reform. He is not intending to make changes to the budget that's in the book, including the \$593,547. In the revised budget the State Aid drops by \$132,248, with additional funds of \$43,000 leaving a shortfall of \$87,248. This can close between now and August 31st, so he wouldn't add to the School budget at this time.

Mr. Blomgren questioned Page 3 of the handout, asking if it is a "wish list", and Ms. Marcks said it is an assessment of where we should be but do not have the money for. Judy Mallette said that the School Committee doesn't vote on the budget until April 24th and Ms. Marcks said there will be no changes in the expenditure side. FinCom member and School Committee liaison Chuck Piper asked about a time frame for negotiations and Ms. Marcks said they are going slowly.

School Committee member Tony Volpe said they have a dilemma - to do both class size and collective bargaining. We also have 23 new SPED students who have moved into Town. Dr. Moser said we have a total of 881 SPED students, with 74 students outside of Chelmsford. We don't have the space and can't provide the programs required and the parents have the right to opt to place them outside our system. He added that we have 5432 students, which is an increase of 190, and spend \$4800 per student, and transportation doesn't count. Ms. Marcks said that as a School Committee we would never put ourselves in a position of decimating the school system to make our salaries match other Towns.

Ms. Mallette said we're talking about an investment - we're about \$1.5 mil short yearly and we're trying to manage through this process. We've been asked for five-year plans and consider this investment an instructional component.

Dr. Moser said we have not brought forward our hypothetical budget since we are \$1.5 mil short. Ms. Marcks said that

class size is the most important issue and we'll change the quality of the school system if we have to for the good of the Town. Mr. Piper said we need to come up with a "sales" program for your investment in the future.

Mr. Volpe asked what can the Town allow for salary increases overall. Mr. Lynch told him that the Town budget allows \$150,000 to use for collective bargaining settlement. Ms. Marcks said that when the School Committee settles a contract the settlement must be taken out of the operating budget. If we have a contingency line item every year this wouldn't be a problem now. Mr. Lynch commented that they are autonomous - they can do anything they want with their budget. Mr. Blomgren said that the taxpayers won't pay another dime but Ms. Mallette said they are mandated by law to spend certain amounts and have certain programs. Mr. Joyce said if this is true then an override may be needed and Mr. Lynch said the taxpayers may be willing to go for shifts in our priorities. He added that if we have 2 or 3 lean years and live within the budget the public might be much more receptive to an override.

Ms. Marcks said they appreciate everyone coming to this meeting, that the School Committee didn't want the other boards to hear this on Town Meeting floor, and FinCom member Mike McCall said they have to show what steps are being taken and people would swallow the concept of investment easier if they could see what the other side of the table is doing.

Ms. Marcks closed the meeting at 9:25 p.m..

For the Board of Selectmen, by

John E. C. C.

SEP 16 1995 3:58

BOS meeting of April 18, 1995 (after Executive Session) -
10:10 p.m.

The Selectmen then addressed the subject of the warrant for the Special Town Meeting to be held within the Annual Spring Town Meeting on May 4, 1995.

- Art. 1 - an abutter wants to purchase Main Street property
- Art. 2 - sale of land on Bentley Lane
- Art. 3 - sell old equipment to purchase new catch basin cleaner
- Art. 4 - Sidewalk Easements - Pilgrim and Old Westford Road
- Art. 5 - Amend zoning map
- Art. 6 - Center School renovations
- Art. 7 - Land acquisition for Library
- Art. 8 - Transfer money in FY95 budget
- Art. 9 - Withdraw
- Art. 10 - License Fortune Tellers - change to "submitted by Police Chief"
- Art. 11 - License Second- hand Metal Shops- change to "submitted by Police Chief"
- Art. 12 - Purchase Equipment for Roberts Field - the Friends of the Park are hoping to gain \$14,000. Ms. Gates asked if anyone has looked at the equipment and Mr. Lynch said that they are working on 3 other sites that need fences and the RecComm, Little League and DPW, and all agreed to take down some fencing and are re-doing the infields. The outfield fencing serves no purpose.
- Art. 13 - Apple Country Club - we are continuing to investigate our rights under 61B, and to rework the numbers
- Art. 14 - Town of Chelmsford Education Fund - the School Committee is not entirely behind this article
- Art. 15 - Gulf War Resolution - will not be included on warrant but proclaimed by BOS

John Coppinger had submitted a petition article which will be sent to Town Counsel for review to be included at a future Town Meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to put all the above articles on the warrant for a Special Town Meeting to be held within the Annual on May 4th., with the exception of Article 9.

Mr. Lawlor did not participate in the following conversation.

Mr. Lynch read a letter from Bertucci's dated April 12th, and Mr. Blomgren said he will call him and the company president tomorrow.

Mr. Lynch told the Board that the Ambulance Study Committee will submit their report within 2 or 3 weeks, and the Board will receive their copies ahead of time.

At 10:55 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan to adjourn.

For the Board of Selectmen, by

J. B. E. Clark

SEW 16 20 2:30

Regular meeting of the Board of Selectmen held Monday, April 24, 1995 at 6:30 p.m. at the Senior Center. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

At 6:40 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to go into Executive Session to discuss acquisition of real property and potential litigation. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye.

The Board returned to Open Session at 7:10 p.m.

During the Open Session neighbors of Bertucci's at the Ginger Ale Plaza were present to hear the BOS 's discussion on their request for an extension of hours.

Selectman Lawlor left the room during the discussion and vote due to a possible conflict of interest.

Mr. Lynch said that a rep from Bertucci's could not be present and he read a letter from them dated April 21st, in which they said that they will turn off the sign on the North side of the building and ask the Board to extend their hours of operation on Monday through Thursday from 10:00 pm closing to 11:00 pm closing. They will still request permission for a monument sign.

Mr. Blomgren said that he had sent Bertucci's a Fax today, that the light in question has remained on all weekend and they have said they will turn it off when the extended hours are approved - it can be simultaneous.

Mr. Dalton said that they are still disobeying the Building Inspector's letter of February 6 to turn off the sign. Tony Zagzoug was present and said he has ticketing authority.

Ms. Gates said they're scoffing the Board, saying they will do something only if we change their hours. Mr. Lynch said if the matter went to court they could get a ruling that the light can stay on.

Mr. Joyce said that based on their disobeying Mr. Zagzoug's letter he wants a letter from them stating that the light will be permanently disconnected. Mr. Lynch said the BOS could say that the sign has a negative impact on the neighborhood.

Michael Bowser, 7 Bridge Street, said it is most important that the light goes out and thanked the Board for their efforts in achieving this.

Motion by Mr. Blomgren, seconded by Mr. Dalton, unan. that we approve the license with extended hours with a statement of fact that the neon sign has a negative impact on the neighborhood and must be permanently electrically disconnected.

At 7:25 pm Mr. Lawlor returned to the meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to proclaim Local Government Week and Youth Government Week.

The Board's position on Town Meeting articles was then discussed.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to withdraw Burton Lane from the list of street acceptances on Article 11.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to withdraw Article 9, sale of Town-owned land on Freeman Lake, to have more research done on the title.

Motion by Mr. Blomgren, seconded by Mr. Lawlor, unan. that we recommend favorable action on articles 1 - 11, withdrawing #9 and Burton Lane on #11.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to authorize Mr. Lynch to sign the contract on the Glen Avenue traffic light.

At 7:35 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn to Annual Town Meeting.

For the Board of Selectmen, by

Jack E. Cate

05 MAY 16 PM 2:59

Regular meeting of the Board of Selectmen held Thursday, May 4, 1995 at the Senior Center at 6:30 p.m. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 6:40 p.m., noting that all members are present. Motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss real property. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye.

The Board came back to regular session at 7:00 p.m.

Mr. Joyce opened the Public Hearing on the application of D'Angelo's for a Common Victualer's license to be exercised on the premises at 2 Alpine Lane, Chelmsford. Steve McLaughlin, from D'Angelo's Division of Real Estate, showed the Board their proposed floor plan and site plan. They are petitioning the BOS to keep the restaurant basically the same but are adding handicapped bathrooms. The restaurant now has 52 seats, and they are proposing 34. They were solicited by the landlord and broker to apply for a license at this location. D'Angelo's has a shop at Drum Hill in Chelmsford, 226 shops overall, with 100 in Massachusetts, and have been well accepted.

Mr. Joyce asked for comments from the Public.

Richard DeFreitas, 17 Carter Drive, asked if when they entered into the agreement were they aware that they were taking over from a 20 year tenant. Mr. McLaughlin said that D'Angelo's doesn't evict people but Mr. DeFreitas said it appears they are operating that way and Mr. McLaughlin said they didn't go out and look for this location - they were approached.

Fran McDougall, Precinct 1 Rep. said that when you're in a public business you should be aware of the perception you are giving to the public. D'Angelo's gives the perception of an evict.

Ron Wetmore, 247 Acton Road, would question this as a non-conforming use. The Board didn't used to issue Common Victualer licenses until all the permits are obtained. The Board should hold off until the court appeals are decided. Mr. Lawlor said that under the statute that is a determination of the Zoning Enforcement officer and Tony Zagzoug has ruled that this is contingent to a Special Permit. If the BOS overrules the Bldg. Insp. decision his

decision is under appeal and the BOS shouldn't give a permit that may never have a chance to be exercised.

Jim Good, Planning Board, said that he thinks Mr. McLaughlin understands the people of Chelmsford, that Jimmy's has been here over 20 years, has been successful and an asset to the Community, and does D'Angelo's have a second or third choice of location. Mr. McLaughlin said that location is grandfathered under the provisions of the lease.

Dick Phillips, 21 Diamond Street, has a question about continuing use, it is his understanding that it is not automatically grandfathered in, that Jimmy was grandfathered in as fast food. As for parking, 13 spaces were eliminated from Jimmy's. The owner says there are 48 spaces behind the building but there are 44 employees in the 14 stores in Parliament Plaza. Jimmy's only has 3 in front and can't handle 4 times the number of people. Jimmy's was offered the lease next door but not to sell sandwiches. D'Angelo's offered to withdraw from the lease but the landlord won't let him.

Bob Scharn, 55 Swain Road, said he understands that D'Angelo's has to be here to tonight to go through the permitting process, and would that satisfy his lease? Mr. McLaughlin said it might, that he would have to review it.

At 7:15 p.m. Mr. Joyce closed the Public Hearing.

Mr. Lawlor asked Town Counsel if he would please go through the criteria. Mr. Harrington said that the Bldg. Insp. has ruled that the occupancy permit is proper and it has been appealed through the Board of Appeals - the BOS should wait for the action of the Appeals Board. They are asking for a Common Victualer license and all that the Board has to look at is a proper application - the question of traffic and parking should brought up at the Board of Appeals hearing.

Mr. Harrington said there are two alternatives:

1. the BOS can act tonight and grant a conditional license or
2. wait for the outcome of the Board of Appeals hearing.

Mr. Joyce asked the cost of the leasehold improvements and Mr. McLaughlin said \$120 - \$150,000. Mr. Joyce asked if they will use the same awning and Mr. McLaughlin said they will use D'Angelo's logo, which is green with white lettering. He also stated that D'Angelo's has no intent to apply for a Beer and Wine license.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to move that the BOS defer any action on this application until the first meeting of the BOS after the Board of Appeals hearing

Robert Grassia, New England Telephone, was present with two petitions on Garrison Road - one to place two poles and remove the old ones. and one petition to place 10 feet of underground conduit to serve Meadowcrest Lane, a new subdivision. No one present spoke in favor of or opposition to this petition.

Mr. Lynch noted that the DPW Director is requesting that the two poles located 35', rather than 25', away from the existing poles.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the petitions conditional upon the requested changes as referred to in Jim Pearson's memo dated May 3, 1995, referring to Plans 879 and 881.

The Board then discussed their position on the articles on the Special Town Meeting Warrant.

Art. 1 - sell land on Main Street

Art. 2 - sell land on Bentley Lane - the assessed value is \$60K - Mr. Lynch recommends holding off until we determine the exact amount. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to recommend.

Art. 3 - Sell old equipment to purchase new

Art. 4 - Sidewalk Easements - Pilgrim and Old Westford Roads

Art. 5 - Amend Zoning Map - article will be dismissed

Art. 6 - Center School Renovations

Art. 7 - Library Land Acquisition

Art. 8 - transfer \$5,000 to cemetery, \$5,000 to Council on Aging; \$290,000 for Police Arbitration - we have savings from employee benefits to fund these transfers

The Board voted unanimously to recommend the above listed articles and motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn to Annual Town Meeting at 7:35 p.m.

The Board voted on the remaining articles on the Special TM Warrant at Town Meeting:

Art. 9 - to license Fortune Tellers

Art. 10 - to license Second Hand Metal Dealers

Art. 11 - to purchase equipment for Roberts Field

Art. 12 - to acquire the Apple Country Club for the Town

Art. 13 - Town of Chelmsford Education Fund

Art. 14 - to accept MGL CH60, Sec. 3C

Art. 15 - to transfer conservation fees

Art. 16 - to transfer \$1,150,000 from Sewer Betterment Fees to reduce debt and interest in the FY96 budget

The board voted unanimously in favor of recommending these articles.

For the Board of Selectmen, by

Judith E. Carter

town clerk

Regular meeting of the Board of Selectmen held Monday, May 15, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:05 p.m.

During the Open Session Jeff Stallard, 146 Tyngsboro Road, congratulated Ms. Gates and Mr. Lawlor on their elections. He told the Board that the Veterans' Memorial Park will have a Memorial Day Observance on Sunday, May 28 at 4:00 p.m. at the Park. They will be unveiling the long-awaited soldier and boy statue, and he is inviting the BOS and Town Manager to attend. Mr. Lawlor asked about work on the stage and Mr. Stallard said they will move to complete Phase II when Phase I is over. Mr. Stallard said he is concerned about the work being done in Vinal Square by the gas company and the state and doesn't want any of the marchers tripping over it. There will be power on the North Common from the North Congregational Church. Mr. Lynch said he and DPW Director Pearson will address this issue tomorrow and Mr. Lynch said we will be putting out as many flags as we can. Mr. Joyce said we extend any help we can give to Post 313.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the April 6 reorganization meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the meeting of April 10, Reg. and Exec.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of April 18 - Joint, Reg. and Exec.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the meeting of April 24, Reg. and Exec.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of May 5, 1995, Reg. and Exec.

Under Town Manager reports, Mr. Lynch introduced Police Lt. Ray McCusker, Coalition Against Crime, who said he wants to update the BOS since the Coalition's last public input meeting on March 30. They have put together a document - Our Community Pledge - and would like the Board members to sign it on Wednesday, May 17, the next public input meeting. They will have bumper stickers and buttons.

Mr. Blomgren asked him about a new bylaw in Marblehead whereby they fine the parent of any intoxicated teenager \$150. Lt. McCusker said that we have to make parents responsible for their children and learn to take

constructive criticism. He said that they appreciate the support received from everyone, and that the Police Dept. won't tolerate minors in possession of drugs or alcohol. They would prosecute any parent who would give these to any one else's child.

Mr. Dalton told Lt. McCusker that the BOS granted a license to Burger King on Summer Street and asked if the Police had received any complaints lately. He will let the Board know if they get more with the good weather.

Mr. Lynch told the BOS that the Town-wide Cleanup Day held

on April 29 was really a Community Clean-up, with many people helping. He said that much credit should go to Selectman Blomgren and Barb Scavezze, Solid Waste Coordinator. Over 220 people and a number of organizations participated and there was a cookout at the Elks. He thanked all the organizations by name and said that 13 and 3/4 tons of trash were picked up.

Sel. Blomgren asked about doing this twice a year and Ms. Scavezze said that once a year is an ambitious project and twice a year would not be feasible. Mr. Lynch added that twice a year would burn people out and we should try to focus on one annual cleanup.

Ms. Gates said that Boy Scout Troop 77 found the fence cut in the Lime Quarry from the 495 rest area, and Mr. Lynch said that we are working with the State DPW and State Police to patrol more often. Mr. Blomgren said that this is a matter of public safety but Ms. Gates said she wants to see the results of Mr. Lynch's work with the State.

The Town Manager reported that re the policing of Varney Playground and the spillway area at Freeman Lake, since 1986 we have had a "warm weather" set of procedures that calls for increased patrolling. We are also patrolling more at Southwell Field both on foot and by bicycle and are using sporadic speeding traps.

Mr. Blomgren said there has been drinking at playgrounds and fields and we should give written instructions to permit holders about this and also have more police monitoring and enforcing.

Mr. Lynch reported that the fencing at Roberts Field should be done by the end of the week, signage and player benches by the end of the month and the infield completed by Fall. Mr. Joyce asked about the use of CETA employees, and Mr. Lynch said we use them as much as we can but they need a lot

of supervision that we can't always provide. Mr. Dalton said we need fenced off dugout areas to protect the kids and Mr. Blomgren said it is very dangerous at Roberts Field where the two 4' sections meet.

Mr. Joyce asked if there is dumping behind the West Fire Station and Mr. Lynch said the Town does some composting there, and also some contractors. This has been going on for 15 - 20 years and is now getting too close to the pond. Mr. Lawlor said we should check with the EPA before choosing a new site.

Mr. Lynch said that the Recreation Coordinator will come to the next meeting to discuss the summer program.

Mr. Lawlor said that he thinks the new Community Newsletter is most impressive, and Mr. Blomgren said we should be using local travel agencies for any trips that are being offered to residents, since they pay taxes to the Town and need the work.

Re the Glen Avenue bridge Mr. Dalton said that the residents are concerned about the tractor trailers going to the warehouse. Mr. Lynch said he will have Jim Pearson and John Long take a look at it.

Mr. Lawlor asked when will we have the RFP for management of the Apple Country Club and Mr. Lynch said by the first of June. Mr. Lawlor said we should get input from Recreation, Bob Hayes and citizen input. Mr. Lynch said he wants to put together an Advisory Committee over the next 4 or 5 months to look at alternatives. Mr. Dalton suggested we have a contest to re-name it.

Under Selectmen Referrals Mr. Dalton said that on the last leaf pick-up he knows of a few that weren't picked up, and were there many. Mr. Lynch said no, but that anyone not picked up should contact us as they will be going back out on Thursday.

Mr. Dalton said that 23 Bradford Road needs their lawn repaired.

He said that there have been complaints of odor problems from the Kennedy Drive treatment plant.

Ms. Gates said that Peggy Dunn has asked her about opening the Toll Booth on the Common as an information center to be stocked with pamphlets and brochures starting June 24th through Labor Day, from 11 am - 2 pm. Ms. Dunn has it well organized and Mr. Lynch said that staffing will be by

members of the community. Mr. Lawlor suggested that we check with the Town of Concord about their information center.

Ms. Gates said that re the Bike Path, she attended the meeting and plans are now moving for the design phase of the first section, from the Wang Towers to the junctions of Routes 27 and 225. This is a long term project and she has volunteered to be liaison from the Board. Mr. Blomgren asked to have them come to a meeting and Mr. Lynch said we could either have someone from NMCOG or the State.

Mr. Blomgren asked about D'Angelo's and Mr. Lynch said we will meet with them in June after the Board of Appeals hearing.

He asked about vandalism on the Scout's wooden bridge at Southwell Field and Mr. Lynch said he is working with the Scouts and may use metal rails.

Mr. Blomgren said that there is a Tax Classification Committee Public Input meeting on Wednesday at the Senior Center.

Mr. Dalton asked about the Avila easement on Davis Road and Mr. Lynch said it is in the hands of his attorney.

Mr. Blomgren asked about the BOS meeting schedule, noting that it doesn't have Work Sessions and Mr. Lynch said they get built in.

He asked about the Fire Chief's contract and Mr. Lynch said he got an opinion from Town Counsel Harrington today stating that there is no legal authority under Mass. General Laws to provide a contract to a Fire Chief. We have a contract with the Police Chief through special action at Town Meeting and this is also going through legislation.

The Ambulance Study Committee will make their report later in June.

Mr. Blomgren said the Planning Board is not happy that the acceptance of Burton Way was removed from the Town Meeting warrant and will it come up in the Fall. We will forward Town Counsel's opinion on this subject to the Planning Board.

Mr. Blomgren said that at the Tax Classification Public Input Meeting they are hoping to have TM Reps, residents and the business community attend.

Mr. Blomgren said that he is not happy with the visibility of crosswalks, especially at Adams Library and has seen other Towns paint the interior section of crosswalks and would like to have the DPW look into this. Mr. Lynch said

we comply with State and Federal standards, but will re-visit the matter.

Mr. Joyce suggested that maybe we could have our hydrants painted to look like animals, as some other Towns do. He said that Mike Sockol wants the Board to attend the program "Chaulk Shock" at the High School on Wednesday. This program warns them of the perils of drunk driving.

Under Unfinished Business motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to issue a 1-day All Alcoholic license to St. Vartanantz for May 27 from 7 pm - 1 am.

Motion by Mr. Lawlor, seconded by Mr. Dalton, to issue a 1-day Wine and Malt Beverages license to All Saints Church for an art auction on May 20th. Vote was 4 in favor, 1 abstention (Ms. Gates because she is a member of the Church).

The Police Chief is recommending a Stop Sign at the corner of Perham and Grove Streets. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Chief's request.

Under Unscheduled Business Mr. Lynch said we have received a request from the Town Clerk to re-name a portion of Old Stage Road for E-911 purposes. There are 2 sections of roadway both names Old Stage Road, and they want to name the older section with only 6 homes Stage Road. All the residents agreed to this change at a recent meeting and a Public Hearing is not required because it is an accepted street.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to change the name of a portion of Old Stage Road as shown on the plan to Stage Road.

DPW Director Jim Pearson is requesting to put crosswalks across lower Dalton Road at North Road and from upper Dalton across North Road. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the request for crosswalks at North and Dalton Roads.

Robert Grassia, New England Telephone Company, was present for a Public Hearing per a request from the Town to relocate Pole #21 on Marshall Street. The new pole will be 42' from the existing pole.

Claire Thomas, an abutter at 52 Carlisle Street, objects to the location and wants them to look at the opposite side of Albina Street on the Boy Scout property. Mr. Grassia said the phone company will send someone out again. He spoke

with the design engineer and the Mass. Electric engineer and if they place it as Mrs. Thomas suggests the distance would be excessive and 2 power lines would be out of line. This location was chosen by both companies - 3' off the pavement on Carlisle St. and 5 - 6' from Albina Street. Ms. Gates questioned the excessive distance and Mr. Grassia said they can't have too much span over the pavement. Mr. Blomgren asked if we could place two poles and Mr. Lynch said it could be a public safety issue with the line of sight with that alternative.

Ms. Thomas said there is a safety issue if the pole is placed where they are suggesting because of the higher rise in the street, that 18-wheelers make that turn and couldn't do it if the pole was in her yard. She wouldn't object to two poles. Mr. Grassia said he would be glad to meet with Ms. Thomas in the field.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to defer action on this petition and keep the public hearing open until our May 22nd meeting.

Mr. Blomgren asked Mr. Grassia to check into the pole at Canal Street and Riverneck Road - the Board has requested this before.

Mr. Grassia then presented a petition requesting the placement of 370' of conduit on Dalton Road to upgrade phone service. It will terminate on private property on a box aboveground, and they will also be bringing new underground cables into this area since there has been a history of outages and problems.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the petition of New England Telephone for underground conduit on Dalton Road.

At 8:50 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss the acquisition of real property and contract negotiations. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye. Mr. Joyce said they will not be returning to open session and there will be no statements.

For the Board of Selectmen, by

John E. Cate

2025-11-13 PM 2:48

Regular meeting of the Board of Selectmen held Monday, May 22, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:45 p.m. noting that all members were present.

During the Open Session Tom Moran, 19 Dennison Road and a member of the Ambulance Study Committee, addressed the Board. They have been requesting to come before the BOS with their final report. Mr. Joyce said he has changed the date to June 26, the second meeting in June because he is preparing questions for the Committee that aren't ready yet and he wants to give them time. Mr. Moran said that their report is now in its third draft. Mr. Joyce said the questions will be on the methodology used, the people questioned, how each sub-committee functioned - he wants some detail, and asked if there is a problem presenting it on the 26th. The Ambulance Study Committee has made a public statement on their conclusions and that won't change. Mr. Moran said the Committee has sat for 2 1/2 years and are ready to give our report. The end of June is getting into vacations, etc.

Mr. Blomgren said he is also confused, that the methodology is part of the report, the questions have been on the table since February and he would rather see them on the 12th.

Doug Hausler, 618 Wellman Avenue said there has been much controversy on the subject already and further delay will raise more questions. Since you've already raised questions they can be answered in the report. Mr. Joyce said it is being politicized right now and he wants the 26th so he can ask questions ahead of time.

Mr. Lawlor said that it is the Chairman's prerogative to set agenda items, and moved to establish June 12th as the outside date that the Board can submit questions in writing to the Chairman and he can submit to the Ambulance Study Committee. Motion seconded by Mr. Blomgren, unanimous. Mr. Blomgren asked if BOS members may receive the report prior to June 26th and Mr. Moran said by June 19th, or earlier if they want.

Richard Anthony, 8 New Fletcher Street, spoke to the Board re the Bike Trail in his neighborhood, stating that the residents are getting together to send a letter of concern and also want to get on the agenda ASAP to discuss security and safety issues. Mr. Lawlor asked them to get their

letter in early so we can have a response by the meeting date.

Under Town Manager Reports, Mr. Lynch announced that due to construction going on in Vinal Square by the State and gas company the Memorial Day Parade will take place in the Center on Monday and in North Chelmsford next year.

Finance Director Fred Mansfield was present with a vote to be passed by the Board re the Town's borrowing \$2.2 million from the Water Pollution Abatement Trust. He said we will save app. \$300,000.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to waive the formal reading of the entire contents of the motion.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the motion, a copy of which all the Board has seen as signed by Bill Dalton and authorizing the Treasurer to issue an interim loan note from time to time not to exceed \$2,000,000.

The signing of the transfer of the cable contract was scheduled but on the advice of Attorney Epstein this is being put off until June 12th.

Mr. Joyce then re-opened the adjourned Public Hearing on the Nynex petition to move a telephone pole on Carlisle Street. Catherine Frazer, Nynex rep. said that the engineers met with the abutters in the field and gave BOS members plans showing various alternatives. The original pole was to be placed on the corner of the Thomas property but to move it would be to place it in the public way. The 1st Alt. - to place it near Marshall and Carlisle Streets is not viable because the curve is too great to place a pole there; the 2nd Alt. is to place it near the Boy Scouts on Albina Street and they've agreed to it. They will have to upgrade 4 poles because they are all too short and there will be double poles until the end of the year. Claire Thomas, 52 Carlisle Street, said that this is a safety issue but they don't object to the pole being placed on Albina Street in front of the Boy Scouts.

No one else spoke in favor of or against this petition and Mr. Joyce closed the Public Hearing.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of the pole as shown on the plan dated 5/22/95. Ms. Frazer said that pole # 98/7 on Albina Street will be removed.

A Public Hearing was held on the re-naming and re-routing of

a portion of Farley Brook Road. Mr. Lynch showed the plan and said that the former Park Place would become Farley Brook Road and a portion of Farley Brook Road would be renamed Rolling Green Lane.

Peter Volonino, who has just bought a home in Fairway Estates had a similar plan, stating that he's the only person on the street and agrees with the new name, as does the Fire Chief and developer Jack McCarthy.

Mr. Volonino asked about a **street sign and streetlights** and Mr. Lynch said that the developer is usually required by the Planning Board to pay for these. Mr. Joyce suggested that he call the Planning Board to see if Mr. McCarthy had received a waiver from them, and if so, he would have to wait until the street was accepted.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the renaming of a portion of Farley Brook Road as requested by the Town Clerk and advertised for two weeks.

Under Selectmen Referrals Mr. Dalton said that a resident on **Gay Street** is complaining that a light from the Mill Building is glaring into his house and he asked if they could put a shield on it. Mr. Lynch said he will look into the matter.

Mr. Dalton said that there is a big moving truck - a semi with cab and trailer, parked on the corner of **Longmeadow and Westford Streets** and asked if this is appropriate. Mr. Lynch will look into this.

Ms. Gates said that Boy Scout Troop 77 is marking a new trail at **Southwell Field** and they found the good wooden railing from the Eagle Scout project bridge. They think it should be put back and she wants to see it replaced.

Ms. Gates said that re the fence at the **Rte. 495 rest area**, Chief Caron gave her the report done by his department and stated that they can't just fix the fence to solve the problem. Mr. Lynch said the State is suggesting that the only solution may be to close the rest area, and he will draft them a letter asking them to do so.

Mr. Blomgren has a report from the **Library Building Committee**, noting that they have made 19 presentations. The model will be on display at the **Lowell Five** for two weeks and then the **North Chelmsford Post Office**. He said he had heard that the **Traffic & Safety Committee** had some concerns re the **Adams Street** entrance and wants the Town Manager to ask what are their concerns.

Mr. Blomgren then asked about Williamsburg, saying that he wants to see the consolidated emergency plans from the Police and Fire Chiefs by June 12th. There are more units and children now than there were in 1984, and he wants reps from Williamsburg to come to the June 12th meeting.

He reminded the BOS and residents that the Tax Classification Committee is having a Public Input Session on Wednesday at the Senior Center.

Mr. Joyce said that he has sent a letter to all the Town Meeting reps regarding this meeting and asking them to attend.

Mr. Joyce noted the letter from Ron Bell about the Rotary Dunking Booth at the 4th of July Celebration and urged members to call him with a time they would like.

He said that the Coalition Against Crime meeting went well and we will do a Proclamation and Kickoff for them on June 12th.

He noted that there is a Food Pantry presentation at the Radisson Wed. night and the Town will receive an award.

At 9:00 pm motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss: discipline or dismissal of an employee; collective bargaining or pending litigation; strategy sessions in preparation for negotiation with non-union personnel, and to discuss the purchase or lease of real property. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye.

For the Board of Selectmen, by

John E. Clark

Town Clerk

RECEIVED

95 JUN 27 PM 3:20

W. H. CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, June 12, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:45 pm and apologized for the delay in opening the meeting.

During Open Session John Tucker, Chairman of the Flag Day Ceremony for the Elks and Chairman for the Rededication of the Monument on the Common. told the BOS of the planned events. On Wednesday, June 14 all the church bells will ring from 6:30 - 7:00 pm, the Police Dept. Color Guard will be present, children will be sitting all around the monument and he is inviting the Board to take part in the rededication of the monument, erected in 1859. On Thursday there will be a Children's Concert on the Common and on Friday an Old Fashioned Big Band USO Dance at the Elks.

Lynn Marcella, Rotary Club President, then spoke, saying that the Monument on the Common needs to be professionally cleaned. Rotary will sponsor the cleaning, which will cost app. \$6,000. The monument is made of Chelmsford granite and cost \$1800 when it was originally made. The best time to clean it is in the Fall.

Doug Hausler also spoke, stating that Rotary is selling pins for \$5.00 to help pay the cost, and noted places where they can be purchased, including the Town Clerk's office. They are also selling candy as a fund raiser. Ms. Marcella added that Dick Lahue has given her information about how to apply for grant money.

Chairman Joyce then presented Certificates of Appreciation to Joyce McKenzie for 6 years service on the Cultural Council and to Edie Copenhaver for 5 years service. Ms. McKenzie said the council today is in good hands. A Certificate was also prepared for Steve Chinetti from the Lions Club for his years of dedicated service on the 4th of July booths and common activities.

Becky Warren, President of the Land Conservation Trust, addressed the Board, stating that the mission of the Trust is to preserve the rural culture and heritage of the Town. They have a new logo for the Trust, which they presented to the Board.

Under Unscheduled Business Attorney Peter Epstein presented

the document to be signed for the change in cable companies. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the Board approve the transfer of the existing contract from Colony Cable to Continental Cable, and to endorse and execute the transfer document prepared by Attorney Epstein. Attorney Epstein added insert #4 to the document and asked the Board to sign it. He will send a copy to Continental and the State Cable Commission.

Mr. Joyce said that Lowell Cable is selling their interest to Continental and the June 5th response from Lowell Cable is not acceptable.

Mr. Epstein said that the current negotiating extension only goes through June 29th and he believes that the Town has put on the table to Colony a proposal that won't cost subscribers any more; however, the Board needs to take action prior to June 29.

Mr. Lawlor said he would like the public to know how well we've been served by the CATV Commission, Attorney Peter Epstein and BOS liaison Roger Blomgren.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of May 15, Reg. and Exec. Sessions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of May 22, Reg. and Exec. Sessions.

Under Town Manager Reports Mr. Lynch introduced Holly Rice, Recreation Coordinator. Ms Rice spoke about the Commission's Summer Program, saying that they have just had their Activities Fair and offered 45 activities to residents.

She detailed some of the programs, noting that they are all very successful and she is always looking for new ideas. Residents can still register for summer programs.

Mr. Lynch showed plans of the East School project, saying that the neighbors are very excited about it.

Mr. Joyce introduced Attorney Charles Kadison as Special Counsel and read the statement on the LeVasseur matter (attached hereto and made a part hereof) and noted Mr. Kadison's report on the matter.

Mr. Kadison said the report is accurate and he reversed the actions to redeem the property. He asked the Board to sign the deed and said that Ms. LeVasseur will also have to sign a statement.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS execute the document entitled release deed prepared and

delivered by Atty. Kadison. Ms. LeVasseur was present and said the property is on Fourth Avenue, not Shore Drive.

John P. Emerson, Jr. was in the audience and asked Mr. Joyce to read Mr. Kadison's report (attached hereto and made a part hereof). Mr. Joyce read the report and also the letter from Atty. Harrington to Atty. Kadison (also attached hereto).

Under **Selectman Referrals**, Mr. Lawlor said he would like to have the Sewer Commission and the Board of Health in to a meeting to discuss the current Title V crisis and what steps the BOS might take before the next Town Meeting to help Town residents.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to send a memo inviting them.

Mr. Lynch announced the Public Hearing on Pendleton Road Extension, saying that it is part of the 911 conversion, and some roadways lead to potential confusion. It is requested that Pendleton Road Extension be changed to just Pendleton Road. This effects 9 residents who have all agreed to the change, the Fire Chief approves and the hearing has been advertised. Mr. Joyce asked if anyone present wished to speak and no one did.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the amendment of the street name of the Extension to simply Pendleton Road.

Robert Grassica, Nynex, was present with 3 petitions for utility poles:

1. Princeton Street - relocate Pole 61 on Plan 880 19' south of its present location as the result of a road improvement job.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

2. Meadowbrook Road - pole should be placed between poles 9 and 10. This is an unsafe condition since there is 250' between them. Normal placement is 110' to 180'.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

3. Relocate Pole #40 on North Road 23' southerly to make room for a driveway.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan.. to approve.

Jack Moynihan, Mass. Electric, was present with 3 petitions from Mass. Electric Company:

1. Parker Road - move pole 30' southerly because a customer wants to place a driveway.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

2. Seneca Avenue - the new pumping station has requested service, and we need to relocate 1 pole.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

3. Meadowcrest Lane, off Garrison Road - place conduit to serve new subdivision.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

A Dog Hearing was held re the dog Stinky owned by Charmaine Crystal, 28 Second Lane and called by Kimberly Trahan, Fourth Lane.

Frank Warren, Dog Officer testified that there was a biting incident on May 22 - Ms. Crystal's dog bit 14-year old Scott Trahan. Frank said that after he gets a copy of the Police Report he follows up with his own report checking into rabies shots, licensing etc. The dog was licensed in Billerica and he told her to get a Chelmsford license, which she has done. He finds no record of the bite that Ms. Trahan said happened two years ago.

Ms. Trahan gave the BOS pictures of the dog bite two years ago and of her son's bites in May. She was driving her son Scott on his paper route on May 22 and saw the dog jump up and go for his throat. She said the dog was legal - in her own yard and leashed and next to her owner. Scott was tall enough to pull away but she is afraid what could happen if the dog were loose and small children were around. The owner was standing beside the dog and she saw the dog attack viciously.

Mr. Lawlor asked Ms. Trahan if the only remedy for her would be to have the dog removed from the neighborhood and she said yes, if another child gets bitten she'd feel responsible if she didn't report this incident. Ms. Gates asked if the dog was chained to a fixed point and Ms. Trahan said she didn't hear Crystal say anything. She did not see the first bite.

Mr. Blomgren asked if we have a record of the dog bite two years ago. Brenda Daley, 6 Second Lane, said the dog bit her son Brendan 2 years ago. It was on a Sunday, the dog was loose and off her own property and the police came.

Mr. Dalton asked Ms. Daley how does she feel about the dog and she said that the dog is very protective of Ms. Crystal and her property and she wouldn't trust him. Brendan is petrified of the dog and was bitten in the back. She saw the dog loose three weeks ago.

Ms. Crystal said that when Brendan was bitten the dog was on a leash in her backyard and Brendan had cut through her yard. She never put the dog in the backyard again. Ms. Crystal said she told Scott Trahan twice to stop when he was coming up her driveway. She is not happy that her dog bit him but she needs her dog for protection.

Mr. Lawlor said he knows the neighborhood pretty well and how can Ms. Crystal assure her neighbors that the dog won't do this again. Ms. Crystal said she has had the dog for ten years and she is never loose. Mr. Lawlor told her that it is the Board's responsibility to protect others - could she have the dog in the house unless she is going to her vehicle. Ms. Crystal said she walks the dog 2 or 3 times a day.

Ms. Gates asked if there is space in her backyard to build an enclosed dog run and Ms. Crystal said she rents the house.

Mr. Dalton asked why the dog wasn't registered and Ms. Crystal said she was in Billerica, and has only been here 3 years.

Mr. Blomgren asked what if the dog was muzzled. Ms. Crystal said she could muzzle her when walking. Mr. Dalton told her that she has to be in control of her dog and she should put the muzzle on whenever the dog's outside to give her neighbors peace.

Motion by Mr. Lawlor that we vote to have the dog Stinky removed from Town and move to suspend the motion for 60 days probationary period. During that time she is to be kept within the house or when she is out she must be on a leash held by the owner and also muzzled. We want a report from the Dog Officer on June 26 that the dog is being muzzled and on a leash. If there are further instances during that probationary period the dog will be removed without anyone coming back before the Board. Motion was seconded by Mr. Dalton and voted unanimously in favor.

The Board then met with the Neighbors for Conscientious

Planning and Beverly Woods from NMCOG. Mr. Lynch said the BOS has received correspondence from Richard Anthony, spokesman for the Neighbors. The State has brought back the project that has been talked about for 12 years and the neighbors have a number of concerns as the BOS continues to work with the Bike Trail. Two years ago it was being talked about as a walking trail, not a bike trail.

Mr. Joyce said we want one spokesman from the Neighbors and Richard Anthony presented an updated letter with his questions and the NMCOG answers. He is upset with the communications with NMCOG - they have not been notified of recent meetings although all names were on an abutters list in 1989. He claimed that abutters in Sudbury and Concord had early input and he is disappointed that they haven't. Mr. Anthony outlined their main concerns and issues:

1. Safety issues - no extra traffic, fire dept. access, path close to Colonial Propane Gas.
2. Privacy issues: proper fencing before the path goes in.
3. Noise control - boom boxes with walkers.
4. Health concerns - trash, toilet facilities
5. Accident liability - on and off the trail.

They are not against the trail but want the Town to look at all aspects. We have to agree as a Town that this will be feasible and worthwhile and we want to have a liaison to any other meetings.

Beverly Woods, NMCOG said she met with the Neighbors last night and discussed the history of the projects and the issues. An advisory committee was formed and public hearings held. They didn't hear from this neighborhood at first. Many issues will be addressed in the days of this project. Does NMCOG see any fatal flaws in the trail? No. We can't say what we'll use until the engineering is done and abutters will be notified and public hearings held on all future work.

Ms. Woods continued that in Lexington, Arlington and Bedford officials say the majority of abutters were very supportive. The actual construction of the trail is at least 3 years away.

Ms. Gates asked if the property belongs to the State as part of the Rail Bank, and not the Town and Ms. Woods said Yes, and the State intends to keep the property, which must be for some type of transportation use. Nothing has been done behind closed doors.

Mr. Dalton asked if they could notify these people of future meetings and Ms. Woods said yes, we have promised to do so.

Mr. Blomgren commented that he has seen good things come in the southern end of the trail, including economic benefits.

Ms. Gates said she would like to see copies of the leases with abutters to the track for parking purposes. She said she has a video tape "From Rails to Trails" and asked if we could show it some time. Ms. Woods said she is also getting a video from Arlington. Under the "Iced Tea" federal transportation bill 100% of all these funds have to go for pedestrian, bike or historic preservation trails.

Mr. Lynch asked Ms. Woods if there was a question of possible re-routing in that area to the other side of 495, in the sewer easement. She said NMCOG only had money for a feasibility study but the State will look at alternatives. She said that the Executive Office of Transportation and Construction is looking for new letters of support and interest from the communities and she will send a new copy of our letter.

Under Town Manager Reports, Mr. Lynch said re the Mass. Highway Dept. project in Vinal Square several years ago the Traffic and Safety Committee had a sub-committee looking into what needed to be done in Vinal Square. The State Highway Dept. came in and said they wanted to put money into traffic improvements in Vinal Square to be done by Dec. 31, 1993. This obviously didn't happen. He reported to the BOS that it's been designed, bid and awarded, to be done this summer. DPW Director Pearson went to see them and mentioned ADA problems, which he said would take less than \$10,000 to take care of. The State refigured their costs, said the ADA compliance would add another \$750,000 and they're pulling out of the project. He doesn't plan to let it drop and would appreciate a letter from the Board supporting it. Mr. Lynch told them if they did the project we would go back and re-do curbs and ramps for a cost of \$8 - \$10,000 but they're not satisfied and want to pull out. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS support the request of the Town Manager to support the contract in Vinal Square to improve the conditions that exist there.

Ms. Gates asked residents to call their State Senator and Reps. and the Commissioner of the Mass. Highway Dept. asking for their support.

Mr. Lynch said he had awarded the contract for the Fire Department Generator to the low bidder W. A. Kraft for \$12,490. Motion by Mr. Lawlor, seconded by Mr. Dalton,

unan. to approve the bid award.

Pat Fitzpatrick of the Cultural Council has applied for a Roadside Vendor's license for artists to sell works from their portfolios during the second annual Arts on the Common to be held on Tuesdays from July through Labor Day. Motion by Mr. Lawlor, second Mr. Dalton, unan. to approve this license. Pat Fitzpatrick was present and gave Susan Gates, the Council's newest member, the first Chelmsford Strawberry Basket.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to award 3 1-day Beer and Wine licenses for St. Vartanantz Armenian Church for picnics in June and July.

Under Selectmen Referrals, Mr. Dalton said he had read about Roberts Field, and is it complete now. Mr. Lynch said not quite, but is nearing completion.

Mr. Dalton said he has more information re the cutting of trees on North Road by the Galleria. He will give the information to Mr. Lynch to forward to the Conservation Commission.

He asked about the 5-year plan and Mr. Lynch said that intern Geoff Buswick is working on it. He will have a new document by the July meeting. Mr. Dalton said he wants a Work Session on the plan.

Mr. Dalton asked why the Memorial Day Parade wasn't held in North Chelmsford, since the construction was all cleared up by Friday.

Motion by Mr. Dalton, seconded by Mr. Lawlor for discussion, that all Memorial Day Parades be held in North Chelmsford from now on. Mr. Lawlor said that this may be a policy issue, to be voted on at the next meeting. Mr. Joyce suggested maybe we could put this parade under the Town Celebrations Committee. Mr. Blomgren asked that Mr. Lynch speak to the Post Commanders to get their input before we vote on this motion.

Ms. Gates asked about the Lime Quarry Rest Area, saying she would like the BOS to take the position that we tell the State that we want the rest stop to either be attended or closed, and also to put up a sign saying the Quarry is patrolled on an unscheduled basis, and maybe make it part of the regular bike patrol. Mr. Lynch said we've indicated that we'd like it closed. Mr. Lawlor said that the Town derives zero benefits from the area, only aggravations. Motion by Ms. Gates, seconded by Mr. Dalton, unan. to close the rest area on Rte. 495 North.

Mr. Blomgren asked about Wellman Avenue and Mr. Lynch said it is scheduled for June 26th. He said he was disturbed to read in the Column that Roberts Field was being refurbished because members sons were playing ball there, and he wants it known that it is not just Roberts but all recreational facilities.

Mr. Joyce read a statement about the Ambulance Study Committee (attached hereto and made a part hereof), stating that there was nothing political about moving the meeting date. He asked why they haven't presented their written report to the BOS. He read the questions he is asking the Committee and said he will present the questions to them. We expect the Committee's report on June 26th.

Under Press Questions, Laura Doyle, Lowell Sun, asked if the other properties were returned to George Nickerson and will the BOS look into this also? Mr. Lynch said No, that was the only one up for bid. Ms. Doyle asked if the BOS has authorized the redemption of other properties, and what are other areas to look into.

Mr. Lawlor said he is not going to speak on this until we've agreed what action to take and we will continue to review the matter. Our first concern was deeding the land to Ms. LeVasseur and we can now focus on secondary matters.

Ms. Doyle asked about Town Counsel, and Mr. Lawlor said that deliberations re any Town employee will not be discussed until completed, and this will be done as expeditiously as possible.

At 10:35 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to reconvene our earlier Executive Session to discuss the acquisition of real property, potential litigation, collective bargaining and the possible disciplining of a Town employee. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye.

For the Board of Selectmen, by

Judge E. C. Calk

Town Clerk

RECEIVED
95 OCT 16 PM 3:31

Regular meeting of the Board of Selectmen held Monday, June 26, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce asked for a Moment of Silence for Mary McCarthy, who passed away yesterday. Mrs. McCarthy was the mother of Town Clerk Mary St. Hilaire and Judy Olsson of the Treasurer's Office.

Mr. Lawlor read a Proclamation for the Coalition Against Crime asking residents to sign the Chelmsford Community Pledge. The proclamation was accepted by Doug Hausler and Dr. Stu Weisfeldt. Mr. Hausler noted that there will be a booth at the 4th of July celebration where residents can sign the pledge, which was then read by Mr. Joyce. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the proclamation be approved.

Mr. Lawlor read a Proclamation recognizing Paula and Jim Good as Grand Marshall for the 4th of July Parade. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the proclamation be approved.

Town Celebrations Chairman Walter Hedlund was present and gave the Board handouts of the 4th of July Parade routes and schedule of activities. He asked the BOS to march in the Parade as usual and to be at McCarthy at 9:30 am and asked the Chairman to give a brief welcome at the reviewing stand. Mr. Hedlund went over the agenda and highlighted various events. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the restricted vendor areas consistent with the Town Meeting vote in April. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Detours and No Parking on the streets on the map submitted by Mr. Hedlund. Mr. Hedlund asked residents not to set out chairs in the area from Fletcher Street past the Old Town Hall until after the Band Concert is over. Mr. Hedlund then presented a plaque to Steve Chinetti, a dedicated committee member who is moving out of Town.

During the Open Session Bill Griffin, Precinct 2, said he had read an article by a resident of Nashua who has published a book on how to get around the Rte. 3 congestion and asked our Police Dept. to investigate what effect his plan would have on Vinal Square.

Mr. Griffin then said he has read about a simulated Hazmet Drill at the Lowell Water Treatment plant tomorrow. Mr. Lynch asked Mr. Hedlund as Emergency Management Director to explain.

Mr. Hedlund said that this is Lowell's Mock Disaster - there will be a ton of chlorine gas released at the plant and an evacuation area of 1500' to 4 miles. It is 400' across to our ballfields and boat ramp, and Chelmsford is will operate a command post from the North Chelmsford Fire Station. Lowell is bringing in the 6th District Hazmet Team. When asked by a resident if the Rourke Bridge will be closed Mr. Hedlund said that will be up to Lowell. Mr. Griffin asked if North Chelmsford residents will be notified and Mr. Hedlund said not really.

Ms. Connie Pelchat, 22 Eldorado Drive, called to ask about the paving of Burning Tree Lane and Mr. Lynch said it is scheduled to be paved this year, and that the catch basins are being raised. Ms. Pelchat said she was coming from North Road down by the Diner into the Square and isn't that a Yield area. She saw a Police Officer who did not enforce this. Mr. Lynch will check with the Police Chief.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the June 12 regular session.

As requested by Finance Director Fred Mansfield:

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the sale of a \$5,100,000 3.75 percent Bond Anticipation Note of the Town dated June 29, 1995 and payable June 29, 1996 to Shawmut Bank, N.A. at par and accrued interest plus a premium of \$3,586.20.

Mr. Lawlor further moved, seconded by Mr. Dalton, unan. to confirm the consent dated June 15, 1995 to the financial advisor bidding for the notes.

Mr. Lawlor noted that this is not for nay project not already voted on at Town Meeting.

Under Town Manager Reports, Mr. Lynch said that last fall the Board of Selectmen asked the Ambulance Study Committee to determine the feasibility of a Town-run ambulance. They will give the BOS their final report tonight and update them. Chairman Ed Marshall introduced the other members of the committee - John Harrington, Tom Moran and Barbara Skaar. He said that the book that was given to each BOS member has the final report and materials used in reaching their recommendation.

Mr. Marshall read the final report dated June 26, 1995: in

the preliminary report they said it was not feasible to begin an in-house ambulance service by Jan. 1, 1994 and recommended that the Town go out for bid again. They have now concluded that moving "in-house" at this time is not feasible at this time but recommend that the firefighters be required to maintain EMT status. They also recommend that a monitoring committee should be established and that the most important element of emergency rescue is a well-trained and professional First Response Team. Mr. Marshall said that the Committee believes that they have substantially completed their assignment and do not feel a debate at this time is needed.

He asked Board members to read and study the report before asking questions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS accept the report dated June 26, 1995 as submitted by the Ambulance Study Committee.

Mr. Lynch thanked the members of the Committee for their service to the Town.

Mr. Joyce asked if the Ambulance Study Committee would come to the July or August meeting and Mr. Lawlor said he thinks it is appropriate for us to submit questions to them. Mr. Blomgren said that our questions should be channeled into one document through the Town Manager. Mr. Lawlor added that we need to respect the time that has been put into the document.

Motion by Mr. Lawlor, seconded by Mr. Blomgren, that any response that this Board has as a body be submitted to the Town Manager. Vote was 3 in favor (PVL, SJG and RAB), 2 opposed (RPJ and WFD).

Chairman Joyce then recognized Chief Jack Parow who cited a report put together by the firefighters in April - they did all the leg work. Tom Moran gave him a copy of the ASC report and he found inaccuracies and has corrected them. The figures given to the ASC were inaccurate.

He asked the BOS to study his report dated April 12 and compare it with the ASC report. He has the experience and the facts and will answer any questions. Mr. Blomgren said his new report is updated and dated June 26, so we now have both documents to work with. Chief Parow said that the document for the BOS to use in making their decision is all in these reports except the new revenue statements. Ms. Gates asked the Chief how much weight do we give to his document and he said it is a good document..

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to ask

the Chief to submit any questions through the Town Manager to the Ambulance Study Committee within 14 days.

Mr. Lawlor noted that John Chemaly from Trinity is here and asked him about the pending litigation and how does it impact Chelmsford's ambulance service. Mr. Chemaly said the litigation is simply a minority stockholder's dispute over the value of his stock and does not impact Trinity's service to the Town.

A Public Hearing was held on the application of Tony Hober to store 1,962 gallons of bulk motor oils, transmission oil, home heating oil and waste fluid in above ground indoor tanks at All Tune & Lube, 120 Chelmsford Street, property owned by S.F. and P. Realty Trust. Mr. Hober told the Board that the tanks are actually less than the 1900+ gals. applied for, only app. 1600 gals. The plans he presented were designed by Bailey's Distributorship, approved by Capt. Burke and signed by the Fire Chief.

No one present spoke for or against this application. Mr. Lawlor asked where will the stored oil go and was told that it is only waste oil that will go externally from the building. The motor oil and fluid tanks will be filled from overhead dispensing racks.

Chief Parow was still present and said that this is a unique storage room and meets all CMR requirements and said that there are two processes for this license: 1. BOS issuance of storage license and 2. the Fire Dept. permits them once a year. He said that MR. Hober has been very cooperative.

Motion by Mr. Lawlor, seconded by Ms. Gates, to approve this license with conditions: 1. BOS receipt through the Town Manager of written verification of the contract with the remover of his waste oil and that said contractor be licensed; and 2. if the contract with the waste oil dispenser is terminated, the Town Manager shall get written notification.

Vote on the motion was 4 in favor, 1 abstention (WFD).

Bob Grassia, Nynex, was present with two petitions:

1. Place 2 poles on Parkerville Road for phone service to a new home at the Chelmsford/Westford Town line. This petition is joint with Mass. Electric and extends the existing pole line. No one present spoke in favor of or opposition to this petition. DPW Director Jim Pearson approved the petition subject to the poles being placed at least 3 feet off the edge of the pavement.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

2. Acton and Boston Roads and Bartlett Street - see Plan 886. They need to expand the existing conduit and calls for placement of 2 manholes and 390' of underground conduit on Bartlett Street and 295' of conduit on Acton Road. Mr. Grassia explained the manholes, stating that it improves the quality of phone service, is for future growth and allows room to place fiber optic cables. There was no public input.

Mr. Lynch read the DPW Director's recommendations, stating that he approves the petition subject to the conduit being placed in the sidewalk area on Bartlett Street and placed in the grass strip along Acton Road to eliminate a trench patch in the travelled way on these two streets.

Mr. Grassia said when the ground settles the entire sidewalk will be replaced on Bartlett Street. Mr. Lynch asked if they could go up the Northerly side and Mr. Grassica said the existing pole line is on the southerly side. Ms. Gates asked if these enlarged manholes provide for the elimination of poles in the Center area and Mr. Grassica said No, only to correct the immediate situation. Mr. Joyce asked that he let the designer know of the proposed library expansion. Motion by Mr. Lawlor, seconded by Mr. Dalton, urban. to approve this petition subject to Mr. Pearson's recommendations.

Mr. Dalton asked about removal of double poles and Mr. Lynch said it is ongoing and they met with all the utility companies two months ago. Mr. Dalton asked for a list of double poles.

A representative of Williamsburg Management Company and several residents were present to discuss emergency plans of the Police and Fire Depts. Rudy Davis, President of the Board of Trustees at Williamsburg, said they'd like to review the plans and feel the trains are a very potential serious problem. They have had an incident when emergency crews haven't been able to get in because the train was stopped.

Mr. Lynch said that the two departments have emergency plans that a second access road was built from Southwell Field and we now can evacuate by boat, if necessary. He asked if the residents have any recommendations. Mr. Davis said they have just recently started dealing with this, and the neighbors will be learning basic CPR and life support training. Mr. Davis also thinks we need to contact the railroad company - we would think they would feel some obligation. Mr. Lynch said he doesn't think the Town has any jurisdiction over the length of the train or its ability

to stop.

Mr. Dalton said the Fire Dept. has called the railroad in the past and they've said it would take 15 - 20 minutes to decouple cars. Our best solution is to prepare the residents for emergencies.

Mr. Lynch said he commends the residents for their self-initiative and that he, the Police Chief and the Fire Chief would meet with the residents to brainstorm. He added that clearly time is of the essence. Mr. Lynch suggested setting up a meeting in July and Mr. Davis invited them to the next Board of Trustees meeting on July 13, 1995. We will send copies of the emergency plans to Williamsburg II and Courier Company who are also effected by the trains.

Deb Cavalier, 625 Wellman Avenue, said that in the last few weeks we have had several emergency situations, two in the last few weeks that couldn't get out, and she has found out about several more. There are 420 units in Williamsburg I and 80 in II. She asked who is liable if something happens. Mr. Lynch said we don't know the answer exactly - if the Town responds and is blocked it is probably not liable.

Fire Chief Parow said we could call Med Flight, who could be there in less than 10 minutes, and the Fire Dept. can bring equipment and patients in and out over and under the train. We could start an internal fire brigade and the Fire Dept. could offer medical instructions. Their biggest problem is when the train is moving, not stopped.

Jan Spence, Williamsburg II Board of Trustees, asked please include their Board in any further discussions.

Under Town Manager Reports Mr. Lynch reported that the Graniteville Road Truck Exclusion is being looked into by Traffic & Safety and the Town of Westford.

He read the Dog Officer's report on Stinky, noting that the dog has been muzzled.

Mr. Lynch said that under Title V how can we help our residents and we will have the Board of Health and Sewer Commissioners in later this summer to discuss this. We have identified additional funds for sewerage and are looking into a Loan Pool, using Natick as an example with their underground storage tanks and are working with Bond Counsel.

Mr. Lynch reported that E-911 is scheduled to go on line on July 21st and all are working on operating procedures. The

equipment is all in and centralization started July 1st and will cut over on July 21st. There will be no new positions created. The combined dispatch will cost app. \$15,000 to purchase new cable and replacing a number of dedicated phone lines.

On the Vinal Square project there is a meeting with the State tomorrow - Commission on Disabilities and also Mass. Highway. They have put the project on Hold, rather than dropping it altogether.

Under Annual Appointments, Mr. Lynch read the list, noting that there is a vacancy on the Board of Assessors due to the retirement of Joseph B. Shanahan, Sr. The BOS will present him with a Certificate at the next meeting. He said the Center School Bldg. Comm. and the Coalition Against Crime need BOS appointments and Mr. Joyce appointed Sel. Gates to Coal. Crime and himself to the Center School. He announced there are vacancies on the following committees due to resignations: Conservation (C. Deshaies), Comm. on Disabilities (S. Donahue), Great Brook State Park, Historic District Commission (S. Gates), Recreation, Solid Waste and Town Celebrations (S. Chinetti). Mr. Dalton said to add Robert Kelley, Owl's Nest Lane, to the Town Celebrations Committee.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the list of appointments and any individual not so appointed his/her term will expire on June 30th.

Mr. Dalton asked that we put a list of vacancies on Cable 43

Under BOS Appointments, Mr. Lawlor moved that the BOS appoint Michael Barricelli and Francis Miethe to the Capital Planning Committee and that the position of Town Counsel will go unfilled. Motion seconded by Mr. Dalton, unanimous.

Mr. Joyce read the list of liaisons from the BOS that he has appointed to the various committees.

Under Town Manager contract awards, Mr. Lynch said hs is awarding the bid for long-term trash disposal to Ogden Martin who has a disposal plant in Haverhill. It will save the Town \$50,000 a year for the first 5 years and is in the Town's best interests to enter into this agreement subject to review of the contract by legal counsel. He needs approval tonight because we have been negotiating for 60 days. At the fifth year we can re-set the base amount of trash, and the re-cycling can be taken out of the tonnage if it drops.

Barbara Scavezze, Solid Waste Coordinator, said that we will keep track of recyclables and after the first year we can use that amount of reduce the minimum tonnage.

Mr. Lynch said the Solid Waste Advisory Committee advised a long-term contract and this gives us a 10-year place to take our trash. They have checked with communities who use Ogden Martin and they are all very pleased. Many changes have convinced him that this is a positive step. We had given the Board a fact sheet showing the savings with Ogden Martin. In the future there won't be enough space to put trash and if there are changes in the law we're built in. Mr. Lynch said he should have asked for the vote at the May meeting subject to changes but wanted to iron out some changes before coming in with the contract. Ms. Scavezze gave some SWAC information to the BOS with their packets. She added that by the year 2000 the state wants 46% recycling, and we are now at 15 - 17%. Mr. Lawlor asked if we don't meet the minimum tonnage can we bring in other Town's trash under the contract, and Mr. Lynch said we can look into that. Mr. Lawlor asked if there will be any changes with our cartage fees under Waste Management and Mr. Lynch said no, not within a 30-mile radius.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve subject to review by Special Counsel the issuance of a long-term contract for trash disposal with Ogden Martin. Mr. Lynch said he has been talking with John Giorgio of Koppelman & Paige and is also looking at McGregor, Shea and Doliner.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Town Manager's request for appointment of Special Counsel to advise him prior to signing the contract with Ogden Martin.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Town Manager's award of the Stop Loss Bid to American Stop Loss, the low bidder.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the issuing of a 1-day Auctioneer's permit to sell carpets and furnishings at the Radisson on July 4th to NDR Auctioneer's of Van Nuys, California.

Under Selectmen Referrals Mr. Lawlor said he has had requests from residents of the Westlands to have the street-sweeping done. Mr. Lynch said those roads will be paved in

July, and sweeping is the last step before that. Steadman Street and Dalton Road will not be done at this time because we have Chapter 90 funds to make alterations to those roads - curbing, narrowing or widening.

Mr. Dalton questioned the pedestrian cones in Vinal Square, saying they are not there. Mr. Lynch said that is a state road and he doesn't think they allow them, but he will check.

Ms. Gates asked if we can repaint the crosswalks in North Chelmsford to say "Look" as they do in the Center and Mr. Lynch said yes, if it is not a state road.

Mr. Dalton said he wants to ride out with Mr. Lynch and Jim Pearson to look at the Glenn Avenue Bridge.

Mr. Dalton questioned an easement and Mr. Lynch said there is no sewer line though there, only the sewer lateral to his house.

Ms. Gates said residents are asking when streets will be paved and could a list be published in the papers. Mr. Lynch said we will give it to the press again.

Ms. Gates thanked Mr. Lynch on behalf of Peggy Dunn and her volunteers for the materials to open the Toll House on the Common as an Information Center.

Mr. Joyce reported that we have sent a letter to Lucinda Beddington re the closing of the Rte. 495 North rest area. We are discontinuing the EAP program for employees due to lack of use. Mr. Lynch said we tried it for a year and department heads said it was not used that much and also many employees are covered by their own insurance.

Mr. Joyce said he is appointing a subcommittee of 2 BOS and the Town Manager and one or two residents to review the Town's needs for legal services and to bring back their recommendations and names of an individual or firm to fill the Town Counsel position. On July 17 they will report on our legal needs and services and on August 14 present the finalists to the BOS. He appointed Selectman Peter Lawlor for his legal expertise and Selectman Roger Blomgren for his longevity on the Board. He may appoint a legal professional in Town who would not be an applicant for Town Counsel and maybe a 5th member at large. We hope to have Town Counsel in place around September 1st to take care of the October Town Meeting articles.

Mr. Joyce brought up the policy prepared by Mr. Dalton re the Memorial Day Parade to be held in North Chelmsford annually effective May, 1996. Mr. Lynch said he is trying to set up a meeting with the American Legion Posts. Mr.

Lawlor said he wants more input before we vote. This policy will be Held until the next meeting.

Under Press Questions Laura Doyle of the Lowell Sun asked why James Harrington was not re-appointed as Town Counsel and Mr. Lawlor told her that we have done prior evaluations of Town Counsel service needs and have prompted the Town Manager to look into our legal needs. We chose not to renew for a number of reasons and this was not a termination. Ms. Doyle said the timing is a little suspect and who will provide legal counsel and Mr. Lynch said Special Counsel will be used on an as needed basis. There is a possibility that Mr. Harrington could be used. We do not have to pay for his contract because it was based on annual re-appointment.

David Sakowich, Cable 6, asked if the Board is still looking into the LeVasseur matter and Mr. Joyce said it is pretty well settled and nothing ongoing. Mr. Lynch said we have no problem with the other parcels, that the back taxes have been paid and the BOS chose not to take them back under Town ownership because they generate tax dollars. It was a unanimous vote to not re-appoint.

At 10:40 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to go into Executive Session to discuss collective bargaining and the purchase or sale of real property. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye. Mr. Joyce said they will not be coming back to Open Session and there will be no announcements.

For the Board of Selectmen, by

Julio E. Carter

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CLERK OF
TOWN OF
MAYESBORO
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, July 17, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:00 p.m.

During the Open Session Jeff Stallard, 146 Tyngsboro Road, spoke to the Board on several issues. He was very impressed at the 4th of July Art Show with the 8-foot painting commissioned by the First Bank and asked if the Town could ask the Bank to have a print made for the Town, or maybe go through the Cultural Council. He talked about the Common in North Chelmsford, noting that the Gas Company did a lot of digging when they filled Princeton Street along the sidewalk and apparently didn't seed it. He asked the Town Manager to pursue this with the Gas Company. Mr. Lynch said he had noticed this himself and we'll let the Gas Company know that we expect them to re-seed this area.

Mr. Stallard then asked when the Ford Tempo cars are going to be marked as Town cars. Mr. Lynch said they are presently marked with a variation on the Town seal and although they don't indicate departments they all have that variation. Mr. Stallard asked how that emblem came about and Mr. Lynch said they were donated by a graphic artist who was working on another project for the Town. He asked when will they be taken off and replaced with the Town seal. Mr. Lynch said we are not trying to change the Town seal, that would have to be done through Town Meeting vote, and we are looking for a reaction to the variation of the seal on the vehicles.

Kelly Beatty, 19 Dunstan Road, said he noticed over the 4th of July that the paint job at the Old Town Hall needs some work and asked if part of the \$35,000 appropriated at Town Meeting for new paint. Mr. Lynch said the money is for new paint, roofing of the Tower section and replacing some clapboards. The work will be done this fall. The gas company has replaced the boiler for free and is doing some insulation work for us. Mr. Lynch added that the building is now handicapped accessible and that more town events may be held there.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to defer approval of the minutes of June 26 for the August meeting, since Mr. Joyce and Mr. Blomgren have questions.

Under Town Manager Reports Mr. Lynch said that re Vinal

Square the State is back on the job and that the pressure we put on the state appears to have paid off. They're doing more work on accessibility and anticipate ending in early to mid fall.

The replacement/repair of the Princeton Street bridge is taking place and we will meet on the detours that will be required.

Re the Ambulance Study Committee Mr. Lynch has received correspondence from the Board and the Fire Chief and is compiling it and will meet with Ed Marshall. He will have a report at the next meeting. Mr. Lawlor asked what comments he has received from Board members and Mr. Lynch said he will let members know prior to the next meeting. Mr. Blomgren commented that he didn't see any questions that would alter the conclusions of the ASC.

Mr. Lynch then reported that the Library project has not been funded - the Town had applied for a grant of \$2mil+ from the State to alter the Adams Library for a total cost of app. \$6 mil. We didn't receive the grant, and the question is now do we proceed without the grant or wait until next year to apply again - we have to look at it in terms of our overall debt practice. \$6,000,000 is difficult for the Town to come up with without state or federal assistance.

Mr. Lawlor asked about the deadline for Fall ATM warrant articles, and Mr. Lynch said the first Monday in August. He added that there will be a second round of funding for libraries next year and our project will be rolled into that.

On the Ogden Martin contract Mr. Lynch said it was awarded subject to review and we have now made the necessary changes. Waste Management will still collect and haul our trash and Ogden Martin will dispose of it for \$42 per ton for 5 years and will max out at \$59 per ton at 10 years. We received two proposals for disposal - NESWC and Ogden Martin. Our total cost between Waste Management and Ogden Martin is app. \$55 - \$58 per ton. Even at year 10 we will still meet the amount voted as an override several years ago. We have put in some good language re changes in tonnage, etc. and spelled out details. It is a very good contract and was reviewed by John Giorgio of Kopelman and Paige.

Attorney Charles Kadison arrived at the meeting at 7:30 p.m.

Motion by Mr. Lawlor, seconded by Mr. Dalton, to go into Executive Session to discuss the acquisition of real property and any potential litigation related thereto. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; RAB-Aye and RPJ-Aye.

The Board returned to Open Session at 8:05 p.m.

Attorney Kadison said that the BOS has voted to take the Apple Country Club property by eminent domain. The procedure is that the Board adopts the Order of Taking, which describes the land to be taken and the amount of damages to be paid. This document is to be recorded at the Registry, and the owner has the right to contest the figure to be paid.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adopt the Order of Taking. Mr. Lawlor read the Order which states that the Town will pay \$988,621 to Apple Country Club, Inc. Mr. Joyce asked if there were questions from the press. They asked how long does the order take and Mr. Kadison said that the title passes when the Order is recorded. He also referred to a document dated February 28, 1995 and recorded on May 13, 1995, an agreement between Apple Country Club Inc. and Country Club Estates Realty Trust and extending the time for exercising the option to purchase.

The Board of Selectmen then signed the Order of Taking. Chairman Joyce said we will extend this meeting to Wednesday morning to discuss the management of the golf course and will record the document forthwith. Mr. Lawlor said that when the appeal period has ended we will itemize how we arrived at the taking figure. Laura Doyle asked why isn't how the Board arrived at the figure public record now and Mr. Lawlor said because there were two parties involved.

The Town Manager said that we are using Kopelman and Paige as interim Town Counsel.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to appoint Kopelman and Paige for the limited purpose of interim counsel until the BOS appoints a permanent Town Counsel and charge only so much of our legal needs as comes due during the interim period.

Mr. Lawlor reported on the Town Counsel sub-committee, stating that he, Mr. Blomgren, Mr. Joyce and Mr. Lynch met last week and have decided that we will not be recommending that we use an in-house Town Counsel and that we will hire an independent counsel, with no Town benefits. He went over

the list of evaluation criteria: geographic proximity, diversity of legal experience, experience with similar governmental organizations, educational services provided, professional affiliations/participation, fee structure, references, staffing and other issues: Town Meeting process, case management process, legal updates and liability insurance.

Mr. Lawlor added that the sub-committee will solicit opinions from the Planning Board and Board of Appeals since they will be seeking Town Counsel's advice fairly often. The School Committee has its own Town Counsel. The deadline for applications is July 25th, and we have to date received 23. During August the Committee will be winnowing down applications and bringing applicants to the Board.

The Board then met with Robert Grassia, New England Telephone, who had two petitions on Empire Street:

1. place one pole on the westerly side of Empire Street to bring service to a new subdivision on the extension of Empire Street;

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

2. place app. 50 feet of underground conduit from that pole into the subdivision so they can have underground utilities.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve. No one spoke in favor of or opposition to, these two petitions, and both were approved by DPW Director Jim Pearson.

Mr. Grassia had a third petition - relocation of existing pole #2 on Locke Road - but he has met with Jim Pearson and there is a visibility problem. Mr. Grassia asked to table this petition until they have a chance to meet in the field. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to continue this hearing until August 28th.

Jim Creegan, Kim McKenzie, Jim Pearson and Wendy Marcks were present as members of the Master Plan Review Committee to present their report. This committee was set up by the Planning Board and Planning Board Chairman Jim Creegan also chaired the review Committee.

Mr. Creegan said that the Planning Board unanimously approved the recommendations of the Master Plan Review Committee. Their central goal is to have an article on the Fall Annual Town Meeting warrant.

Mr. Creegan gave a slide presentation showing various graphs and charts and said that the Committee had listed 7 goals:

1. Housing - to preserve and protect the residential

character of Chelmsford while providing adequate expansion opportunities;

2. **Land Use** - to achieve growth patterns that provide for economic and social opportunity within physical limitations and ecological restraints;

3. **Environment** - to insure that new development takes place in an ecologically sound manner and that environmentally sensitive areas will be protected;

4. **Public Utilities** - to insure an ample supply of potable water for current and future residents; to provide a municipal sewer system in areas that experience disposable problems or are environmentally sensitive;

5. **Circulation and mobility** - sidewalk construction and traffic improvements;

6. **Public Facility** - to insure an adequate level of convenient public facilities and sources that are provided to Town residents in a cost effective manner; and

7. **Economic Base** - to maintain economic health and stability through retention of existing firms and through diversification of the economic base.

The Committee all agreed that the Master Plan needs to be reviewed and will ask Town Meeting to approve the hiring of a Municipal Planner for \$30 - \$50,000. They are asking the Board to give the Planning Board ideas and direction.

Mr. Lawlor asked Mr. Creegan to explain changes and terms and Mr. Creegan said the Master Plan is a philosophical document and a pro active way for the Town to manage growth, with input from residents and other Boards.

Mr. Lawlor said he applauds the work that the Committee has done and Mr. Joyce said we will reserve a spot on the warrant for them. Mr. Lynch said he would hope to have the money available.

Under Town Manager Contract Awards, Mr. Lynch said he has awarded the following contracts:

1. **Sidewalk Construction Project - Phase 2** (Old Westford Road and Pilgrim Road) - 4 bids received - bid awarded to low bidder Kohl Enterprises, Inc. No. Chelmsford in the amount of \$179,550.

2. **East School Playground Equipment** for \$18,118. and

3. **Our portion of Friendship Park** - \$14,144 both to Goric Marketing Group, Ashland, MA. Mr. Lynch told the Board that all the equipment is made of wood and should be in place by the end of September.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the bid awards.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to issue four (4) one-day Beer & Wine licenses to St. Vartanantz Armenian Church for August 6, August 12, August 20 and August 27.

The Memorial Day Policy will be tabled until August 28th.

Under New Business, Selectmen Referrals, Mr. Dalton asked Mr. Pearson if he has met re Glen Avenue. He asked if we have heard any more on the dog "Stinky" and Mr. Lynch said nothing has changed, the dog is still muzzled and there have been no more complaints. Mr. Dalton asked if there has been any agreement on Davis Road and Mr. Lynch said there is a meeting with Pam Abdinoor.

Mr. Dalton then brought up the matter of the Town seal again saying that the only Town seal is the one on the podium and who authorized putting another seal on the vehicles. Mr. Lynch said he did.

Motion by Mr. Dalton that this Board vote to order Mr. Lynch to have the seals taken off the Town vehicles tomorrow and put on the real seal. If we're going to change the seal let the people decide.

Mr. Lawlor asked Mr. Lynch what he thought and Mr. Lynch said the emblem on the cars is an adaptation of the Town seal, that it is a policy that Town vehicles be marked in some way and that he finds both seals very attractive. Mr. Joyce said that maybe we need to change the policy but he doesn't think we need to order him to remove them. Mr. Lynch said he apologizes to the BOS for trying to do something different and Mr. Blomgren said if the Board wants to be so specific we should change the policy. Mr. Lynch added that it is not unusual for communities to use different markings on different vehicles.

Mr. Dalton said he will change his motion to read "ask", not "order", seconded by Mr. Lawlor for discussion. Mr. Blomgren asked to add "and to have the Town Manager review the policy to clear it up". Vote on the amended motion was unanimously in favor.

Mr. Dalton then said that a letter in the Independent written by Tom Moran implied that he was in conflict when he chose not to leave the meeting on June 26th when the Ambulance Study Committee submitted their report. He felt there was no need to leave and he only voted to accept the report. He did abstain later in the evening on another

issue. He will prepare a policy for the next meeting.

Ms. Gates discussed the Bruce Freeman bike trail and moved that the BOS send a letter to NMCOG that should the trail be built that the Town would police it and sweep it at least once a year, seconded by Mr. Lawlor, unan. Mr. Lynch said if the trail is built the Town should maintain our portion. Ms. Gates said they are not asking for an endorsement.

Mr. Blomgren brought up the greenery in front of the Vinal Square parking lot and Mr. Lynch said that this is part of a project that Jim Pearson is working on with the owner of the adjacent property. They want to move the planter over to separate the entrance and exit and will cut the hedge back when they do.

Mr. Joyce said that since this is the Board's first meeting since the 4th of July he wants to publicly thank all the departments and groups involved. We definitely have the best celebration in the Merrimack Valley.

Mr. Joyce asked that we invite the Board of Health and Sewer Commission to a meeting to discuss Title 5 and Mr. Lynch said we are looking at the last meeting in August or the first in September.

Mr. Lynch said that re the closing of the Rte. 405 rest area that we have requested he has received a call from the Mass. Highway Dept. and they want to go out and look at it with him.

Mr. Joyce commented that re the 5-year Plan we never had the Work Session that we'd talked about and asked to set it in September.

Mr. Joyce said that the we will be working on the Town Manager's Annual Review and it will be done in September.

Mr. Joyce said he has comments re the Ambulance Study Report that he will be submitting in rough draft.

Mr. Joyce said he and Mr. Dalton attended the party for Jim Quinn, and he welcomed Mr. Quinn home after many months in the hospital and sent him best wishes.

At 9:25 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to continue this meeting to Wednesday, July 19, 1995 at 7:30 a.m. in the Room 110 Conference Room.

For the Board of Selectmen, by

Judith E. Carter

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95 OCT 16 PM 3:31

Reconvened Meeting of the Board of Selectmen held Wednesday, July 19, 1995 at 7:30 a.m. Members present were: Peter V. Lawlor, William F. Dalton, Susan J. Gates and Roger A. Blomgren. Chairman Robert Joyce was unable to attend and Town Manager Bernard F. Lynch was also present.

Mr. Lynch told the Board that he has reached an agreement with Earl Carlson, present manager of the Apple Country Club, that he will manage the course for us or lease it from us for a fee of \$12,000 from now until October, subject to carrying the necessary insurance and indemnifying the Town. We are working out the language with counsel.

Mr. Lawlor said that one of the things he wants to see in the memorandum of agreement is that all personal property presently located at Apple Country Club remain in place, that we want it to continue to be an ongoing viable business and he doesn't want it stripped. He understands that we didn't acquire any of the personal property.

Mr. Lynch said that we discussed acquisition of equipment but that is obviously subject to some negotiation on price. Mr. Lawlor said that on that issue he would prefer that it be done with an option exersizable sometime in the future. Mr. Lynch said that it is obvious that anyone coming on board will provide the necessary equipment for us and it wouldn't be required for anyone to purchase equipment already there.

Mr. Lawlor said that this awarding of the contract outside of CH30B - do we need to make any findings?

Mr. Lynch responded that he has made findings that are being filed in the Central Register that given the nature of this purchase taking place at this point in the year we don't have time to secure a manager through the normal 30B process.

Motion by Mr. Lawlor. seconded by Mr. Dalton, to accept the terms of the contract subject to review by counsel. Vote was 4 in favor (Mr. Joyce not present).

Ms. Gates questioned the liquor license - who holds it, the person or the property. Mr. Lynch told her the lessee or the operator and she said so Mr. Carlson will continue to hold it. Mr. Dalton said any new manager would have to apply for a transfer or new license.

Mr. Lynch told the Board that when he gets the agreement he will send it to Mr. Carlson for signing.

Mr. Lawlor left the meeting. Motion by Mr. Dalton, seconded by Ms. Gates, to adjourn the meeting at 7:55 a.m. Vote was 3 in favor, 2 absent (RPJ and PVL).

For the Board of Selectmen, by

Adulo E. Carter

RECEIVED

95 OCT 16 PM 3:32

Regular meeting of the Board of Selectmen held Thursday, August 3, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Interim Town Counsel John Giorgio of Kopelman & Paige was also present.

Chairman Joyce called the meeting to order at 7:35 p.m. stating that although this should be a short meeting he has asked Cable 43 to be here since we are discussing a very important issue. He has asked several people to be present as a courtesy - the Library Trustees and Director, the Town Clerk and Assistant Town Clerk to guide us if we decide to call a Special Election, and Interim Town Counsel John Giorgio.

Motion by Mr. Lawlor that the Board of Selectmen accept the written resignation of Roger A. Blomgren and express how much he will be missed for the balance of his term. Motion was seconded by Mr. Dalton and voted unanimously. Mr. Joyce said that he has a great deal of respect for Mr. Blomgren and hopes that he will be happy in Illinois. At a future date we want to acknowledge his fifteen years of service to the Town.

Under Chapter 41 the Board of Selectmen may call a Special Election upon the resignation of a Selectman but if they do not, a petition signed by 200 registered voters can be submitted and they have to call a Special Election, no sooner than 64 days after July 28th, the effective date of Mr. Blomgren's resignation.

Mr. Lawlor then said that in advance of any motion he would like to hear from any members of the public who are present.

John Coppinger, Precinct 4, asked what is Option B and Attorney Giorgio said it is to let the seat remain vacant, to be filled at the next Annual Election. Any petition would have to be filed with the Town Clerk more than 100 days before the next Annual Town Election.

Motion by Mr. Dalton, seconded by Mr. Joyce for discussion, to call for a Special Election to fill the vacant seat of Roger Blomgren and a ballot question on the library request for an override on October 17, 1995. Mr. Joyce said that the Town Clerk has pointed out that there are two other questions that could be placed on the ballot: 1. to extend the life of the Sewer Commission and 2. filling vacancies of precinct Town Meeting members. Both have been approved at

Town Meeting but now require a ballot vote. The Board may put on other ballot questions up to 35 days before the election.

Mr. Lawlor noted that Town Clerk Mary St. Hilaire has written to the BOS with a number of questions, and he is concerned about the cost of a Special Election. Ms. St. Hilaire estimates that if an election is held between noon and 8 pm it will cost app. \$7,656, and if the polls are open from 8 am - 8 pm the cost will be app. \$11,320. The time she is requesting is from 12 noon to 8 pm.

Mr. Lawlor asked if anyone else is concerned about the cost and Mr. Dalton said that this is a 5-man Board, that the Town expects it to have 5 members, and that there may be votes that create a deadlock.

Ms. Gates said that she does not support the Board's calling a Special Election at this time. She is not opposed to the library expansion and she is not opposed to having a full complement on the Board - it is a question of fiscal responsibility. Ms. Gates continued that it costs app. \$10,000 to hold a Special Election and there are only basically 10 more BOS meetings until the April election, which is \$1,000 per meeting and she does not think anyone is worth that much. She had been a critic of how the Board interacted but she feels there has been a change and that we can all work together. We still need a majority, or 3, to pass a motion so the people won't be shortchanged. Should the Community wish to petition by getting 200 signatures that is showing some effort and she would fully support that. Her vote to oppose a the BOS calling a Special Election is purely a matter of financial responsibility, and she would rather have it the choice of the Community.

Mr. Dalton said he has already seen a petition and there will be a Special Election. Why don't we as a Board take the initiative - let's act responsibly and start the process.

Mr. Joyce said he is concerned with the cost but there is a great deal of momentum within the Town to support the Special Election for the Library exemption. If that's going to happen let's combine them; unexpected costs can be transferred from the Reserve Fund.

Motion by Mr. Dalton to call the Special Election. Mr. Lawlor said that the ballot exemption question has not been

presented to us. Attorney Giorgio said that the actual wording for a ballot question is mandated by State law - shall the Town of Chelmsford exempt the costs for the expansion of the library from Prop. 2 1/2.

Mr. Lawlor asked the Town Clerk when would the BOS have to have the ballot question to her and Ms. St. Hilaire said 35 days prior to October 17th. She added that nomination papers will be ready at 8:30 a.m. on Monday, August 7th.

Mary Mahoney, Library Director, gave the Board the request from the Library Trustees asking for a tax exemption of \$6.7 mil for expansion and alterations. If the Board calls for a Special Election the Library wants this question included on the ballot. The Library is still applying for \$2.3 mil funding this Fall but the Trustees think we're saving tax money by keeping the project moving, since construction costs will continue to rise.

The vote on Mr. Dalton's motion was 3 in favor, 1 opposed (SJC) to have the BOS call for a Special Election.

Motion by Mr. Lawlor, seconded by Mr. Dalton for discussion, to call for the election to be held on October 17, 1995 from 12 noon - 8 pm. Mr. Dalton said he wants hours of 10 am - 8 pm. Ms. St. Hilaire said that on a State or Federal election the State mandates opening from 7 am - 8 pm but pays for the costs from 7 am - 10 am plus the costs of the ballots. Ms. Gates noted that on the graphs provided by the Town Clerk it appears that the highest voter turnout is from 12 noon - 8 pm for Prop. 2 1/12 override questions. Vote on the motion for 12 noon - 8 pm was 3 in favor, 1 opposed (WFD).

Mr. Joyce said that we have an application for a Roadside Vendor's license from Lyndsey Firreno to sell fruits and vegetables in front of Cedar House, 124-126 Tyngsboro Road from July 29 to September 30.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the license with the following conditions:

1. that she comply with the State/Town regulations re the sale of food;
2. that she comply with the sign by-law; and
3. that there be no external illumination.

Mr. Lawlor said that the vote tonight was just to save space on the ballot for the Library, that this is a kind of conditional approval and there will be a specific question

re the exemption.

Attorney Giorgio said that the question will be " Shall the Town exempt from Prop. 2 1/2 funds the amount required to build the expansion of the Library" - an exemption question does not put in a dollar figure.

Under Press Questions, Laura Doyle, Lowell Sun, asked if the exemption passes does Town Meeting decide the amount, and was told Yes.

At 8:15 pm motion by Mr. Lawlor. seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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95 OCT 16 PM 3:32
TOWN CLERK
TOWN OF NORTH READING

Work Session of the Board of Selectmen held Tuesday, August 15, 1995 at 7:30 p.m. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Town Manager Bernard Lynch was also present.

Mr. Lynch handed out a document written by Land Use Coordinator Andrew Sheehan, and discussed various options for a management plan:

1. Town Operated and Maintained: strengths would be that all revenue would go to the Town, we could use the additional personnel required for snow removal in the winter and could take advantages of various donations and volunteers. Weaknesses would be that we've never run a golf course before and have no experience in either that or serving food.
2. Town Maintained with One Private Manager: same strengths and weaknesses but he would have expertise, but could bring on potential costs.
3. Town Operated and Maintained with Private Restaurant: the manager would have to apply for the liquor license.
4. Town Maintained with Private Golf Manager and Private Restaurant Manager: would have expertise in both areas
5. Town Maintained with Single Private Manager: one person may not have expertise in both areas.
6. Private Golf Manager and Private Restaurant Manager: lease the restaurant facility to a private restaurant manager, who would have the most amount of expertise.

The Management Proposals are:

Two Agreements - Fully Privatized

2 - 3 year duration - best for the Town, to get our feet wet. Under Chapter 30B we are limited to a 3-year contract. We may be limited to 2 years because of bond requirements - this could become a taxable bond issue. We have the authorization to borrow to pay for the property but it would have to be only a 2-year contract.

The Town would receive a percentage of the revenue with a minimum guaranteed, similar to Holliston. The operator would be responsible for personnel and equipment.

Capital Improvement Set-Aside - someone needs to start operating the course to know what capital improvements need to be done. We would set aside 10% from an estimated \$300,000. Mr. Dalton commented that changes have to be made to the course right away - it is in tough shape.

Interdepartmental Contract Administration - North Reading has an elected commission that oversees the day-to-day operations but Mr. Lynch said that would

require a charter change, and he doesn't know if it is advantageous to set up a semi-autonomous commission. The Recreation Commission should work to have youth and senior programs and the Finance Director would also have to work with an oversight committee.

On Other Issues, Winter Use could include cross-country skiing, tobogganing, Winterfest and could maybe link up with other conservation areas.

Recreational Programs could be set up for the whole year, using the clubhouse for craft groups, etc.

Future Land Purchase - we may want to purchase additional property by Park Road - a 17 acre parcel that is zoned now just for a driving range and also a 4 acre parcel adjacent to Jack McCarthy's land that we bought that could be used for a sod farm or leased out for agricultural purposes.

As for a New Name, Mr. Dalton suggested running a contest to generate some interest. It was called Apple Country Club because of the apple orchard but was originally called Chelmsford Country Club.

Land Coordinator Andy Sheehan said there are Self-Help Grants of up to 500,000 but what if 5 years down the road the property is a lemon and we want to sell it for house lots. If we get a Self-Help Grant we would have to keep it as Open Space. Mr. Lynch said we are still looking at Self help money for course improvements and Mr. Sheehan said we couldn't apply in June because we didn't own the property by June 1st but we could apply next year.

Mr. Lynch said the Schedule is as follows:

Order of Taking Signed	July 17, 1995
Short Term Management Agreement	July 20, 1995
Order of Taking Filed	July 25, 1995
Long Term Management RFP Advertised	August 25, 1995
Management Proposals Due	Sept. 28, 1995
Proposals Reviewed	
Management Contract Awarded	October 30, 1995
Contract Commences	January 1, 1996

Mr. Lynch said that re the liquor license it will have to be applied for by a lessee, the Town doesn't want to run a restaurant but we want it operated as an accessory use for the golf course.

As for the Committee to Review Proposals, the price aspects would be reviewed by Mr. Lynch and the non-price by an Oversight Committee. Mr. Lawlor said that we are the leasing entity and 1. need to decide what scenario; 2. need to approve the RFP and 3. need to take any action necessary by the Fall Town Meeting, although it wouldn't be a revolving fund.

Mr. Lynch said if we go with Options 5 or 6 we may need an article to fund the purchase - do we want the Town or a private contractor to operate the course - he favors Option 6. We need to go with a private restaurant. Mr. Lawlor said we could go with two leases. Mr. Lynch added that if we obtain any revenue we can only go with a 2-year lease. Mr. Lawlor commented that capital costs are very expensive and a manager won't kick in all the costs. If we lease the restaurant we could have the

lessee put up \$75,000 for capital improvements.

Mr. Lynch feels that we should go with a two year contract for now and then get recommendations for improvements and go for a 5-year lease.

Ms. Gates wants to see the least cost to the Town but under our control, the course upgraded with year round use, upgrading of the clubhouse and reduced rates for juniors and

seniors, since the Town did not buy it as a money-producing property. She would go with Option 6 for a 2-3 year term, a private golf course and a private restaurant manager.

Mr. Lawlor asked Mr. Sheehan if there is any reason for the BOS not to go with Option 6 and Mr. Sheehan said he had the concept of a single entity. Mr. Lawlor said he would rather see the market dictate how the bids come in. Mr. Lynch said we could go with the option of either a 2 or 3 year term and there is now \$55,000 raised by memberships. Ms. Gates asked can we charge people from out of Town higher fees and Mr. Lynch said yes.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. 4 - 0, that the BOS vote to proceed in the direction of using both Options 5 and 6 in the RFP's for the management of Apple Country Club.

The Board then discussed correspondence received from Attorney Joseph B. Shanahan, Jr. re the Town's Right of First Refusal on property at Hazen Street and Boston Road, under Chapter 61A, the Harvey/Whalen Estate. Mr. Lynch said that they have a signed Purchase and Sale Agreement for 4 house lots, Three are not zoned residential, mostly CA. Andy Sheehan said they will have to go to Town Meeting for a zoning change. The price is \$180,000 for 9.14 acres, with only 4 lots buildable, a lot of wet meadow land and it doesn't connect with any other Town land.

Mr. Lynch said he does not recommend exercising our Right of First Refusal option but there are still rollback taxes under 61A.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to defer action until our next meeting on August 28th and ask Mr. Shanahan to bring in his proposed contract.

Mr. Lynch then read the list of bid awards for Highway Dept. materials and equipment, as prepared by DPW Director Jim Pearson, noting that they are all the low bidders. On #5A, Basin Cleaning, Mr. Lynch noted that we're buying a spare cleaner but it costs us \$15.00 per hour and we are paying only \$5.75 to the low bidder. Re street sweeping, the Town does it on an emergency basis but we pay to have it done in the Spring.

Mr. Lawlor reported for the Town Counsel sub-committee that there is a meeting tomorrow at 7 pm and the goal is to wean down the list of applicants, that there are some obscure ones that can be eliminated. Mr. Lynch noted that we received 32 proposals. Mr. Lawlor said that the sub-committee has voted to not have an attorney in-house but to hire an independent contractor with no Town benefits. Mr. Joyce

asked when they want to bring someone on board and Mr. Lawlor said our goal is September 1st but we need to start working on the warrant soon. He suggested asking Kopelman & Paige, as interim Town Counsel, to start preparing the warrant and take responsibility for the Fall Town Meeting.

Under Town Manager Evaluation Mr. Lawlor said he wants us to talk about what we want to do. Mr. Joyce said we need to set a time frame, that this is a non-monetary review. He wants to look at last year's forms and goals and to complete the evaluation process before the election and schedule the evaluation for September 25th, in Public Session, and asked for the Town Manager to prepare his report.

There will be a Workshop scheduled for September 14th to discuss the 5-year plan. Mr. Lynch will get materials out in advance for the BOS to review.

Mr. Joyce said he wants to get feedback on moving the start of Town Meeting back to Thursday, October 19, not Monday, October 16 because of the election on Tuesday, the 17th. He can meet with the Town Clerk and Town Moderator, open the session on October 16 and adjourn it to a time certain, October 19 at 7:30 p.m.

Mr. Joyce reported that there is a piece of land from Smith Street to the Lowell Town line on Stedman Street that is in very poor condition and asked that our DPW take care of it.

Mr. Dalton said he wants to go to talk with Arlington and ask about their Vision 20-20. Mr. Lynch said it is similar to the Vision 2000 that Chelmsford had.

Mr. Lawlor asked when are we having the Sewer Commission and Board of Health in to discuss Title V, and Mr. Joyce said they will be invited for the first meeting in September.

Mr. Lawlor said he thinks we need to hold Selectmen's meetings in different areas of Town and have the Board do some field trips to various departments, maybe on Saturday mornings this fall.

Mr. Joyce said we also need to evaluate Town Accountant Jean Sullivan, that we've authorized Finance Director Fred Mansfield to coordinate with her daily, but she actually does work for the Board.

Mr. Lynch said he wants to schedule Mr. Mansfield and Ms. Sullivan for the September 11th meeting.

Ms. Gates said she thinks this meeting was very productive and would like to have more workshops.

Mr. Dalton asked why sewerage doesn't go down Davis Road to Old Westford Road and Mr. Joyce said probably because it dips. Ms. Gates said that as liaison she will ask the Sewer Commission at their meeting on Wednesday.

Mr. Lawlor wants an update on the Center School - where it's at with its plans and

what the Lighthouse School is going to do.

He asked to have the Library Trustees invited in to do a televised forum for the BOS, that the public needs to see costs, etc. and be able to ask questions before voting on the Library Exemption ballot question on October 17th.

The candidates for the Board of Selectmen vacancy will be invited to give a short presentation on September 11th.

At 9:20 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss Collective Bargaining and Acquisition of Real Property. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye and RPJ-Aye. Mr. Joyce said the Board would not be coming back to Open Session and there would be no announcements.

For the Board of Selectmen, by

John E. Carter

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95 OCT 16 PM 3:32
TOWN OF PRINCETON
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, August 28, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor and Susan J. Gates. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:05 p.m. and told the audience that we will open the meeting and then adjourn to Executive Session. Mr. Joyce noted that all members were present except Mr. Dalton, who is on vacation.

Motion by Mr. Lawlor, seconded by Ms. Gates, to go into Executive Session to discuss strategy with respect to collective bargaining and litigation, deployment of security personnel or devices and to investigate charges of criminal misconduct. Roll Call vote on the motion was: PVL-Aye; SJG-Aye and RPJ-Aye.

The Board returned to Open Session at 8:00 p.m.

Motion by Mr. Lawlor, seconded by Ms. Gates, that the Board of Selectmen issue notice of a hearing on the premises known as The Princeton, 147 Princeton Street, No. Chelmsford for alleged violation of licenses under l. MGL Chapter 140, Sec. 183A and 2. 2.240 CMR 2.05(2). Said hearing to take place on Thursday, Sept. 7, 1995 at 7:00 p.m. in Room 204, Town Offices. Vote on the motion was unanimously in favor.

Attorney Joel Bard from Interim Town Counsel Kopelman & Paige said that the Board should prepare for a public hearing to have the applicant appear before the Board for what appears to be a licensing failure - does the applicant have a license for nude dancing? They have to inform the BOS that they want nude dancing, and the file has a letter from the Princeton's attorney stating that it is not the intent of his client to have nude dancing.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS instruct the Town Manager and interim Town Counsel to immediately seek injunctive relief in Superior Court, which would stop the licensee from practicing any of the alleged violations.

Mr. Lawlor told the audience that Board members may not say much but we are proceeding as diligently and directly as anyone could and that we don't want to expose the Town unnecessarily.

Mr. Joyce asked if anyone wishes to address the Board during Open Session and Christy Davidson, 103 Billerica Road, said she is requesting traffic lights at Golden Cove Road and Route 129. There have been many accidents there and 4 out of 5 of the vehicles going through this section are from New Hampshire. On August 17th a woman landed in the St. John's living room and she feels a light would at least give people turning from Golden Cove onto Rte. 129 a chance.

Jeff Stallard, 138 Tyngsboro Road, thanked the Board for taking group action on the Princeton matter and bringing in other departments. He thanked Mr. Lawlor for speaking on the radio and asked if an injunction is not granted will the dancing go on

until the public hearing and Mr. Lawlor said probably yes, but the injunction is the surest way to stop it.

Mr. Stallard said they asked his employees to give out free passes and Mr. Lawlor said there is nothing we can do about it under the Freedom of Speech right. Mr. Stallard said if the Board is talking to the owner/manager tell them it is the will of the people of North Chelmsford that they stop the nude dancing.

Frank Martin, 140 Princeton Street across from the Princeton Restaurant, said he has voiced concern about the hours before and now opposes the girlie shows. He turned in a petition with over 60 signatures calling for the immediate closing of the Princeton for the reasons listed and the removal of the sign.

Pat Companion, 7 Church Street and Dawn Clark, 12 Church Street asked to speak. Ms. Clark said they both have young children and there has been much more traffic up and down the street all hours of the night. She is trying to sell her house and the sign is disgusting. She said that as residents of North Chelmsford they feel their treatment and dealings are sometimes different than other parts of Town. They want the Princeton shut down immediately.

Ms. Companion said she is concerned for the children in the neighborhood - they can't play or ride their bikes. She can see their parking lot from her front window. Ms. Clark said that most of the traffic is coming from Lowell, down Middlesex Street to Church Street. Mr. Joyce asked if it would help to make Church Street one-way.

Mr. Lawlor explained how the injunctive relief works and that it should be heard in a few days. Mr. Joyce said we have been advised by counsel that we have to proceed in a particular way.

Ms. Gates said to the women here, that the BOS will uphold the law for everyone, not just for one part of Town, and she understands their frustration. We will not countenance a violation of the law and will uphold the law for all of them. We as a Board can't jeopardize our position and are doing everything that we possibly can.

A new resident at Lamplighter Green said he has invested his life savings to come in to Chelmsford. He knows what bureaucracy is after 36 years in the federal government. He feels the Board is doing a dis-service by not closing them down and asked what has happened to the voice of the people.

Mr. Lynch said we have issued a Cease and Desist order today for zoning violations and that legal procedures have to be followed. We've taken action with all our Town departments but there are due process issues.

Donna Conlin, 14 John Street said that her neighborhood has low income housing and school redistricting and the whole area is angry.

Kathleen Eleves, 28 Tobin Avenue said that her family has lived in Town for 36 years and she has just bought in North Chelmsford because she is proud of it. She said that children are being bussed past this sign and wants to make sure it is taken care of before the Auction.

Mr. Martin said it is a moral issue.

Mr. Lawlor said that there is no conceivable step that has not been taken. How did

this happen? We were not asleep at the switch and the Town is using a disproportionately large amount of discretion.

Mr. Stallard commented that a short term solution would be to do sewer work there and as a long term solution would the Board consider taking the property by eminent domain to use as a Youth Center.

Mr. Lynch announced that we have been monitoring the premises and all adult entertainment is being removed from the premises right now.

Wayne Richardson, 270 Littleton Road, asked the BOS to support the proposed expanded LRTA route in Chelmsford and submitted a petition signed by 140 residents of the Mobile Home Park.

Mr. Lawlor read a Certificate of Appreciation for George F. Waite for being a member of the Veterans' Emergency Fund Committee for 47 years. The Certificate was accepted by Alfred Coburn, Committee Chairman who said that he and Mr. Waite were both appointed to the Committee on June 30, 1947 and since that time many veterans have been helped through the fund.

Under Scheduled Business Bob Grassia, Nynex Corp. was present with pole petitions:

1. Locke Road (hearing cont'd from 7/17) concern was expressed re visibility. He met with DPW Director Jim Pearson in the field and submitted revised plans.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to approve the petition on plan #287.

2. Underground conduit on Park Road - Mr. Grassia said that this is to provide underground phone service to a 2-lot subdivision on Southwood Drive.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to approve the petition on plan #280.

Mr. Joyce said that Mass. Electric has asked to withdraw without prejudice their petition on Empire Street.

Robert Kennedy, LRTA Administrator was present and told the Board that on the Public Hearing held in Chelmsford on August 8 there were about 50 people in attendance, all in favor of the expanded bus service in Chelmsford. Westford is no longer part of the route.

Mr. Kennedy explained that Chelmsford will have extended service - from North to the Center and back, increased service during peak travel times and Chelmsford Center to include Summer Street. They are providing a more comprehensive package for Chelmsford.

He introduced State Rep. Carol Clevon, who made a statement in support of the re-routing saying that she has received many calls asking for increased public transportation.

Cal Williams, Job Recruiter for UPS, read letters in support of the new route and noted that Catalogue Ventures, Mill Road, has 400 employees and over 100 said they would use the bus service.

Mr. Lawlor questioned service to Summer Place and Mr. Kennedy said they would be serviced by the Chelmsford Center expanded route, and that there will be improved service to Harvard Community Health and UPS. Ms. Gates said that many people stopping at the Visitor Information Booth on the Common had asked about bus routes.

Mr. Lynch asked about ridership and was told 40,000 per year. Mr. Kennedy said they are proposing a 9-month trial and he would give a full report at the end of that time.

Mr. Lynch noted that the annual cost would be \$56,000 and we had asked out State Senator and State Rep. to look for State and Federal aid and Mr. Kennedy said he will continue to seek funds.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS vote to undertake a 9 month trial of expanded bus service along Rtes. 110 and 129 starting October 2nd, and have the Town Manager report back to the Board at the end of 9 months. Mr. Joyce commented that he felt we had a great deal of support and was surprised that Westford pulled out. He said that Selectman Dalton is also in favor. Mr. Kennedy thanked the BOS and Chelmsford Rep. James Good.

Attorney Timothy Sullivan representing Frank Bobola, 93 Bigelow Street, Lowell and Chelmsford addressed the Board, noting that his client had a 2,000 sq. ft. portion of his property taken for non-payment of taxes by Chelmsford. Atty. Sullivan said this happened because the taxes were not paid to Chelmsford by the Lowell Cooperative Bank. Mr. Bobola owns the Big Belly Deli and is requesting that he be allowed to redeem his property. Mr. Lynch recommends that the BOS allow Mr. Bobola to redeem his property for a cost of app. \$1500.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS authorize the owner of the property at 93 Bigelow Street to redeem his property by paying all taxes and interest due the Town.

Post Commander Paul Douglas was present with members of Posts 212, 313 and 256 to discuss the Memorial Day Parade but he understands that Selectman Dalton has withdrawn his policy to hold all Memorial Day parades in North Chelmsford and the other Posts are satisfied.

Wayne Amico, Vanasse, Hangen & Brustlin and Mr. Rocco, a representative of S. R. Weiner were present to discuss the Drum Hill traffic signal. Part of the requirement on the Special Permit Order of Conditions was to construct traffic signals at Parkhurst and Drum Hill Roads. Mr. Joyce asked about handicapped access and Mr. Amico said Yes, in front of the Exxon Station.

Mr. Lawlor noted that DPW Director Jim Pearson has asked that if the BOS approves the plan it be with the conditions he listed. Mr. Joyce asked if the cost is being borne by the developer and was told Yes, but the operation and maintenance costs will be borne by the Town. Mr. Lynch asked if there is a chance of the developer paying for operational costs and Mr. Rocco said yes, when it directly benefits him.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to approve the plan and

authorize entering into an agreement with the City of Lowell, subject to the conditions set forth by Mr. Pearson: subject to resolution of engineering details as recommended by the Town's Traffic Consultant and subject to an agreement between the Town and the developer relative to the costs.

Attorney Joseph B. Shanahan, Jr. was present to discuss the Town's Right of First Refusal under CH 61A on land on Harvey Road and Boston Road, owned by the estate of his clients. Mr. Lynch said that the BOS has heard from the Land Use Coordinator and this parcel doesn't fit into the Town's overall Open Space Plan. Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS waive the Town's Right of First Refusal under 61A on 9.41 acres of land, Parcel 2 on Plat 146. Mr. Shanahan said if the property is sold the rollback taxes for 5 years would be \$4,973.29.

Under Town Manager Reports Mr. Lynch said that the Ambulance Study Committee looked at the questions submitted by the Board and has submitted their response. Mr. Lynch said the Committee has done an excellent job. The Fire Chief has given excellent information but is concerned with their recommendation not to bring ambulance service in-house. The service we're being provided is second to none and he has discussed it with the Fire Chief. He still wants in-house ambulance service but we're anxious to move on. The service will be monitored by a committee to be known as the First Response Committee.

Mr. Lynch said that by his acceptance of this report he hereby dissolves the Ambulance Study Committee with thanks.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS adopt the recommendation of the Manager to accept the report and unless there is a substantial change of circumstances that the Town continue to keep ambulance service from an outside provider. The substantial change of circumstances includes if the ambulance service drastically changes for the worse, or if the in-house Fire Service improves drastically, with the need for back-up coverage and a trained paramedic unit being addressed.

Mr. Lynch added that the Ambulance Study Committee has provided us with a new RFP which has improved our service and has suggested establishing an Ambulance Service Monitoring Committee (First Response Committee). Our contract with Trinity has one year to go.

The Approval of Sidewalk Takings - all have been signed by the BOS but we need a vote. Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to approve the list of sidewalk takings in the Old Westford Road/Pilgrim Road areas.

Ballot Question for Adams Library Exemption - Mr. Joyce asked that we defer this vote until all 4 members of the BOS are present, as recommended by Interim Town Counsel Kopelman & Paige.

Halloween Celebration: motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the Town of Chelmsford celebrate Halloween on Sunday, October 29th from 5

pm to 8 pm.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to grant 2 Roadside Vendor's licenses (Sully's, Graniteville Road, and Skip's, Chelmsford Street) to Greg Spring to sell Christmas trees from Dec. 1 - Dec. 24, 1995.

Under Selectmen Referrals, Mr. Lawlor gave a report from the Town Counsel Search Sub-committee. The committee was appointed by the Chairman to look for a replacement Town Counsel and put RFP's in the Beacon and Lawyers Weekly. They received 32 applications. The Committee first appointed the Town Manager, Sel. Lawlor and Sel. Blomgren. Sel. Dalton later replaced Mr. Blomgren when he resigned from the Board. They winnowed the list from 32 down to 10. All were well qualified and could serve as Town Counsel. Their styles and what they offered varied extensively, and was measured against 18 years of service by James Harrington. On September 7th the following 3 will be interviewed by the full Board: Brackett and Lucas, a 2-man firm from Worcester; Paul Kenney, a 1-person firm from Andover, and Kopelman and Paige, a 30-attorney firm from Boston. Mr. Joyce thanked the members of the sub-committee and said that they have followed a very ambitious schedule. He is impressed with the unanimity of the committee and said it is a credit to all the members.

Ms. Gates said she has received calls from people who play in golf leagues at Apple Country Club and want to know what will happen. Mr. Lynch said he will meet with them, that we are going out with RFP's and they can give input. We want to please the leagues.

Ms. Gates asked if we can get records from the Historical Commission on their research of the old houses in Town. Mr. Lynch will contact them and ask for the reports and also ask them in to a meeting sometime.

Under Press Questions, Laura Doyle asked if the BOS will continue actions against the Princeton and Mr. Lawlor said yes, we will not take their actions for granted. She asked what is the First Response Committee and Mr. Lynch said that the ASC is recommending a committee to review the monthly reports. The committee will consist of the Fire Chief and Police Chief or their designees, the Town Manager or his designee and a Townsperson with medical experience. Mr. Lawlor said that we will hope to appoint the new Town Counsel at the September 7 meeting. The person or firm selected will talk with the Town Manager re details, and it will be an annual appointment.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. to adjourn the meeting at 9:50 p.m.

For the Board of Selectmen, by

Judith E. Cate

RECEIVED
95 OCT 16 PM 3:32

Special meeting of the Board of Selectmen held Thursday, September 7, 1995 at 7:00 p.m. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Town Manager Bernard Lynch was also present, as was interim Town Counsel Leonard Kopelman.

Chairman Joyce welcomed the audience and apologized for being late. He introduced Mr. Kopelman, who said that the Board is holding a Public Hearing on a liquor license. In one type of hearing the public has an opportunity to speak - on a new or transferred license. The second type of hearing - with possible revocation or suspension - Town Counsel calls the witnesses and the Board of Selectmen as factfinders can ask what they want for questions, but the general public cannot.

Chairman Joyce called the meeting to order with the pledge of allegiance and noting that all 4 members were present.

Attorney Kopelman asked if Ronald Greenwood or anyone from the Princeton or New Country Buffet was present and no one was.

He then swore in Police Lt. Frank Roark. He asked Lt. Roark was there an undercover study of the Princeton, and Lt. Roark answered yes, that there was a report filed on what happened on August 25 and 26. He stated that on August 25 it was brought to the attention of the Police Dept. and he discussed it with the Chief. They did an undercover observation on Saturday, August 26th. Lt. Roark then read from his report describing the entertainment and noting that there were 5 dancers who removed their clothing for 5 minutes each and that they did table dancing for extra money. He went into detail on their behavior and also noted that their car registrations did not match the dancers' names.

Attorney Kopelman asked if Lt. Roark investigated if this entertainment was licensed under CH140, Sec. 183A, and Lt. Roark said no, their licenses made no mention of nudity.

Attorney Kopelman then asked to let the record show the document received at the Town Offices dated June 22, 1994 from Attorney James Flood and read a sentence from that letter "As I have previously stated to your board, my clients do not intend to allow for any entertainment that would include nudity in any fashion". The appropriate license to permit nudity was not applied for.

Attorney Kopelman said in his opinion they acted illegally and violated two codes: CH140, Sec. 183A, which deals with the application for an entertainment license and the stating of all acts to be performed and specifically if there will be any nudity involved. The other violation is 204 CMR 2.05 (2) which states: "No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not."

Mr. Joyce noted that there is no one present here from the licensee and Mr. Kopelman said the hearing should be closed. Motion by Mr. Lawlor to close the Public Hearing and make the following Findings of Fact:

1. New Country Buffet, Inc. is or was the licensee holding the all Alcoholic Common Victualer license issued by the Board of Selectmen;
2. On or about August 25 and 26 there occurred violations of G.L. c.140 s. 183A and 204 CMR 2/05 (2);
3. The licensee whose name is as existing on the records in the possession of the Town Offices received notice of a hearing to occur on the evening of September 7, 1995 and that the Board is in possession of the return of service showing that notice of that hearing was so served;
4. Not withstanding this notice, no representative of the licensee has chosen to attend this hearing; and
5. The Board has heard what it deems to be competent, factual evidence concerning the violation of the statute of state regulations which are above cited, namely the licensee permitted nude dancing to take place on the premises without being properly licensed under Chapter 140, Section 183A.

Mr. Dalton seconded Mr. Lawlor's motion on the findings of fact and the vote was unanimous.

Mr. Lawlor asked Attorney Kopelman based on the findings of fact what options the Board is allowed and Mr. Kopelman said that State law allows the BOS the discretion to go from just a warning to actual revocation of their license. The ABCC can in addition set a fine but it is up to the Board to determine the appropriate punishment.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the Board of Selectmen revoke the All Alcoholic Common Victualer's license of New Country Buffet, Inc. at the earliest possible lawful time. He said to the audience that this appears to be a new or unfamiliar process for us because we're not usually in the position to discipline. He said he asked for the revocation because of the gap of good faith that we use with other license holders and with his abandonment of responsibility to this Town there is no possibility that the licensee can redeem himself as an appropriate license holder.

Attorney Kopelman said the revocation will take effect 5 days after they receive the legal notice since there is a 5 day appeal period.

Attorney Kopelman then gave the background of the Meadow Lounge hearing stating that this is a different type of issue - that they owe taxes to the Town of Chelmsford. CH40, Sec. 57 allows the Town to not issue or renew or to revoke a license for nonpayment of taxes on the licensed premises. Ms. Constantine cut a deal to make payments on her taxes but they were not paid as promised.

Attorney Kopelman then swore in Finance Director Charles F. Mansfield, and asked him if he was aware of the agreement. Mr. Mansfield said that they agreed to

pay \$500 every 2 weeks to the Town for the principal and interest. Attorney Kopelman asked if they have kept to the agreement and Mr. Mansfield said No, he has not received a payment since June 2, 1995 and the payments had become less and less since the agreement was first made.

Attorney Kopelman said that under CH 40, Sec. 57, (c) states that failure to comply with a payment agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

He asked if there is anyone present representing the licensee. Cheryl Constantine, Manager addressed the Board stating that all she can say is that she's been trying and agrees with what Mr. Kopelman has been saying.

Mr. Joyce said that before the hearing the BOS had been given a letter from Ms. Constantine asking that we continue the procedures for 6 weeks to give her a chance to sell the property but it seems to be the consensus of the Board to proceed. Mr. Kopelman said that when payments are behind for 3 months or more and the licensee has agreed with what our witness stated the BOS can do what it wishes, from suspension to revocation.

Motion by Mr. Lawlor to close the Public Hearing and make the following Findings of Fact, seconded by Mr. Dalton, unan.

1. On or about December, 1994 the Chelmsford Board of Selectmen in its vote to renew the All Alcoholic Beverage license for the premises identified as the Meadow Lounge, 100 Tyngsboro Road, N. Chelmsford and did issue as a condition of re-issuance a requirement that the licensee enter into a tax payment agreement through its agent the Tax Collector, which agreement was that the amount of \$500.00 was to be paid every two weeks;
2. The Board of Selectmen received competent testimony from Finance Director Charles Mansfield that such agreement was entered into, that such payments began being made and in fact, continued to be made up to and including June of 1995;
3. Subsequent to June, 1995 no further payments were made nor was there any testimony as to any efforts that were made on behalf of the licensee to enter into a revised tax agreement with the Town.
4. The licensee received on or about September 1, 1995 a notice of the hearing to be conducted this evening and the Board has received competent evidence before it of that notice.
5. There did appear on behalf of the licensee a representative licensee named Cheryl Constantine who in the course of her testimony here did not dispute any of the facts which were testified to by the Town's Finance Director.
6. Incorporated in the findings is a letter dated September 7, 1995 by the Meadow Lounge, Inc. and that the Board take notice of the receipt of it; and

7. The licensee in this instance has failed to comply with the provisions of Chapter 40C, Section 57, relative to the payment of taxes on the licensed premises.

Attorney Kopelman told the BOS that the statute gives the Board options from suspension to revocation, and noted that the license expires in and of itself on December 31, 1995. Mr. Lawlor asked Mr. Lynch if he has any recommendation and Mr. Lynch told the BOS that based upon the failure of the licensee to stay current with her tax agreement with the Town he recommends revoking the license.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the Board of Selectmen revoke the license of the Meadow Lounge, Inc. at the earliest possible lawful time.

At 7:55 p.m., the Board took a 5 minute recess.

When Mr. Joyce reconvened the meeting, former Selectman John Carson asked to speak during the Open Session. Mr. Carson said that on behalf of the Townspeople he wants to express thanks to the BOS for the quick and decisive manner in which the issue of the Princeton Lounge was taken care of - an activity that barely got started was stopped. The whole Town was affected, not just North. We all came here to enjoy the quality of life and we have as a community taken a stand.

Mr. Carson commented on an incident that took place 17 years ago when he, Arnold Lovering who was also present and other Board of Selectmen members were subjects of death threats. He thanked Chief Caron and members of the Police Dept. at that time who got the FBI, Federal Attorneys and the Federal Grand Jury in Boston involved. We forced this group of people to leave Town and they have not attempted to come into the Town again until now. he does not want to associate Mr. Greenwood with the group that they dealt with. He thanked the BOS again and commended them for their actions and hopes they will continue to be vigilant and firm.

Mr. Joyce then announced that the BOS will interview the three finalists for the position of Town Counsel. As a re-cap he said that in June the Board decided to not re-appoint the current Town Counsel and opened a search for a new Town Counsel. He appointed a sub-committee and the goal was to appoint a new Town Counsel the first week in September.

Mr. Lawlor said that they received 32 applications, all of whom appeared to be strong and capable. He, Mr. Lynch and Mr. Dalton narrowed the list down to 10 and interviewed 5 each evening last week. The Sub-committee has picked 3 finalists in 3 different groups.

Mr. Joyce asked all the finalists to give a quick synopsis of their backgrounds and expertise.

1. Brackett and Lucas - a 2-man firm from Worcester. All worked in the Worcester City solicitor's office before Gary Brackett and Elaine Lucas formed their own partnership. Jonathan Finkelstein is contract counsel who would also be available. They have over 30 years experience between them and have sat on both sides of the table. They now have two client communities and Chelmsford would be their third,

and largest.

They would be accessible at all times and on call during meetings at no charge. They will provide free consultation to get to know the various boards and committees and department heads. They would also disseminate information on municipal law through the Town Manager.

2. **Kopelman and Paige** - a 30-attorney office in Boston, who have been serving as interim Town Counsel. Leonard Kopelman said they do 98% municipal law, with 30 lawyers who do only Town Counsel work. They have in-house training programs weekly which makes them cost effective and speedy. John Giorgio would be Chelmsford's lead counsel, with Len Kopelman and Betsy Lane as backup. They serve over 90 communities, and Chelmsford would be a major client. Attorney Giorgio said they practice preventative law and send out updates on new laws. They have specialists in every field of law and strive to have personal contact. They are always accessible and have an on call service for Board and Commission meetings, and Town Meetings.

3. **Paul L. Kenny** - one-man law firm from Medford. Mr. Kenny said he has been a practicing attorney for 25 years, specializing in municipal law since 1973, and has taught at Suffolk and Fitchburg State Universities. If selected he would be General Counsel and would meet with all Boards and Department Heads. He feels that Town Counsel has to interact with various boards, and also has back-up people, all having experience in municipal law. He himself does everything and is not specialized. Mr. Kenny said he lives in North Andover and serves as Town Counsel for Sudbury and Danvers.

Mr. Lawlor asked him what should the Board be looking at in making a decision and Attorney Kenny said we should have one person to be here all the time, and farm out large cases or projects. He has no problem with phone calls and would be on duty 24 hours a day.

After a brief recess Mr. Joyce asked each BOS member to state his first choice for Town Counsel and why.

Mr. Lawlor said Brackett and Lucas because they are a very experience small firm, and there is value in knowing that you are your attorney's biggest client and drawing on 30 years experience. He said that they have horsepower and hunger, and would be a comfortable fit for the Town.

Mr. Dalton said they all bring certain qualities, but he feels that Kopelman and Paige has served us well in the past and also as interim Town Counsel, and he knows that they are working well with the Planning Board.

Ms. Gates said she had thought the decision would be easy and didn't see how the sub-committee could have chosen 3 such different firms. She is very impressed with all 3, and has an affinity with Brackett and Lucas, but since Kopelman and Paige have a great number of people with experience she has to choose them. She would like to take all 3 firms as Town Counsel.

Mr. Lynch said that his comments echo the Board's, that he has met with all 3 and would recommend Kopelman and Paige for their versatility and experience. Their philosophy is one of accessibility, and he feels they are a good fit for the Town.

Mr. Joyce said he is very impressed with the work the sub-committee has done and that each finalist would be fine in some areas. Other Boards such as the Planning Board have been impressed with the interim Town Counsel access and efficiency. We have always received a prompt call back from John Giorgio. He supports Kopleman and Paige and feels they would provide the best service.

Motion by Mr. Dalton, seconded by Ms. Gates, to appoint Kopelman and Paige as Town Counsel. Vote was 3 in favor, 1 opposed (PVL).

Motion by Ms. Gates, seconded by Mr. Dalton, to make the vote unanimous. Vote was 4 in favor, none opposed.

Kopelman and Paige will serve as Town Counsel through June 30, 1996 and the Town Manager will work out the details.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn the meeting at 9:40 p.m.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED

95 OCT 16 PM 3:32

Special meeting of the Board of Selectmen held Monday, September 11, 1995 at 12:30 p.m. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Town Manager Bernard F. Lynch was also present.

Chairman Joyce called the meeting to order at 12:35 p.m. and said that this meeting is in lieu of tonight's BOS meeting that has been cancelled

The purpose of the meeting is to vote on the Library expansion question to be placed on the ballot for the October 17th Special Election.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to place the following question on the ballot:

Shall the Town of Chelmsford be allowed to exempt from the provisions of Proposition Two and one-half, so-called, the amounts required to pay for the bond issued in order to design, construct and originally equip an addition to the Adams' Library?

_____ YES

_____ NO

At 12:40 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, 1 to adjourn to Executive Session to discuss contract negotiations. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye and RPJ-Aye.

For the Board of Selectmen, by

John E. O'Leary

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95 NOV -7 PM 12:13

Regular meeting of the Board of Selectmen held Monday, September 25, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Town Manager Bernard Lynch was also present.

Mr. Lawlor read a Chelmsford Women of Today proclamation. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to proclaim the week of September 24 - 30 as Women of Today week.

Mr. Lawlor read the Town of Chelmsford Cultural Month proclamation and moved to proclaim October as Cultural M month, seconded by Mr. Dalton, unan. Kit Harbison accepted the proclamation and told the Board about Common Threads, a series of hands on workshops to be held during October. She said they will be selling limited artworks and refreshments on the Center Common on Saturday, Sept. 30, at which time residents may also sign up for workshops.

Mr. Lawlor read the Daffodils for Chelmsford Weeks Proclamation and moved to proclaim Oct. 1 - 15 as Daffodil Weeks, seconded by Mr. Dalton, unan. The proclamation was accepted by Ruth Coughlin, President of the Chelmsford Garden Club.

Mr. Joyce introduced the two candidates for the Board of Selectmen's seat vacated by Roger Blomgren. He asked that the candidates speak in the order of their positions on the ballot, and for not more than 5 minutes.

Tom Welch spoke first and thanked all the volunteers in the various proclamations for their contributions to the Town and also thanked the Board members for asking him to speak. He gave a brief summary of his background and said that being a member of the Board of Selectmen requires leadership skills and a willingness to speak out on issues. He said that he is a planning manager for a Fortune 500 company, and that leadership is an everchanging process.

Evelyn Thoren addressed the Board, stating that there is no greater privilege that being a Selectman. She gave her background, noting that she has served on many committees as a volunteer in the schools and also manages a small business. She said that she has had continued support since she ran for Selectman last spring and was encouraged to run now. She stands for fiscal responsibility and long range planning and feels that the rapidly increasing taxes is a critical issue.

Mr. Joyce thanked them both for coming and wished them good luck. He urged all residents to vote on October 17th, and added that the library expansion exemption question is also on the ballot. Mr. Lawlor asked for the dates of the debates and they are: Sept. 26 at Palm Manor; Oct. 2 - Democratic Town Committee; Oct. 4 - Chelmsford Business Association at the Banquette; and Oct. 4 - the Hot Seat on Cable 43.

Jeff Stallard spoke during Open Session, noting the Board's swift and strong action at the Princeton and asked how strong would the Town's position be on Adult Zoning. He asked the BOS to look at our position and see how it could be

strengthened.

He said that since there is no longer a viable business at the Princeton he is looking at the site for use as a Youth Center. He said that this would be an ideal location for the Recreation Commission - they could conduct workshops and have plenty of storage space, etc. The property would be ideal as a youth center due to its size. Recreation is currently sharing a room with two other departments. The parking lot would allow for 2 full basketball courts in the back of the property and allow space for outdoor games for younger children. The function hall would be a good place for dancing and concerts and the bar area for a snack bar, with affordable snacks for kids but with a 35 - 50% profit to help offset costs. The restaurant space could be used for offices, meeting and conference rooms. There is not enough meeting space in Town now for rec programs and this would alleviate the space crunch. The property is right on the bus line and close to the high school and middle schools.

Mr. Stallard is asking the BOS to put an article on the warrant for the October Town Meeting to ask the Town to either buy the property or take it by eminent domain. That location is empty and does no one any good - this would benefit the whole Town, and he has some ideas for funding. He has petitions with signatures of people who endorse this project and will submit them when copies are made.

John Harrington, Chelmsford Business Association, had invitations for Evelyn Thoren and Tom Welch, as well as the BOS and Town Manager, to attend their Forum on October 4th. There will also be debate on the library questions.

Stephen Gingras was present to ask the BOS about hunting geese at the Apple Country Club. Mr. Gingras had written to the BOS asking permission and Mr. Lynch has checked with Land Use Coordinator Andy Sheehan and Police Chief Caron. Mr. Gingras said that hunting season opens in January, that there are geese on the golf course and the section he is looking at is over 500' from residences. Mr. Lynch said that both Mr. Sheehan and Chief Caron reported to him that they would deny permission because it is too close to neighborhoods and children are playing on the course. Mr. Sheehan said there will be other recreational uses on the course and Chief Caron said he is concerned about noise from gunshots. Mr. Joyce said we have just taken over the golf course and this could be considered again in the future. Mr. Lawlor said that under the Charter the use of any town property is under the purview of the Town Manager and said he could look at it again later.

The approval of minutes will be held until the next meeting.

Nina Lewin of the Charter School had asked Mr. Joyce if she could come to the meeting to update the BOS on the Charter School. Arlene Parquette, 20 Sylvan Avenue, said she is representing the Children's Alliance for Education Foundation. The goal of a Charter School is designed to be a model of education, to provide options for all. These innovative new public schools are a result of the Education Reform Act, and are governed by their own Board of Trustees, who are held accountable to the Office of Education at the State level. Ms. Parquette continued that in 1995 37 Towns submitted applications to the State

to establish Charter Schools and Chelmsford was one of 7 granted.

This is a modern educational philosophy, with a primary goal to provide students with options and skills they will really need in the future. The Chelmsford School will open in 1996 as a middle school with grades 5 to 8. There will be no tuition, and all Chelmsford students are eligible and urged to apply for a space. The funds will come from the portion of the Town's budget already allocated for Middle Schools.

The Board then met with John Emerson, Sewer Commission Chairman and Board of Health Assistant Director, to discuss Title 5. Mr. Lawlor said that since Title 5 and sewers are closely related Mr. Emerson has been asked to explain the changes under the Title 5 legislation passed in March, 1995.

Mr. Emerson said that not much thought was given to the financial impact, that we did need new environmental regulations for septic systems but the State has done us no favors and there is no help from the State in funding repairs. Repair prices range from \$8,500 to \$26,500, with the average bill around \$12,000. Homeowners can keep their systems going if sewerage is scheduled for their area, but the State has really done an injustice, since banks and lending institutions have the final say in granting loans for Title V repairs. The changes are significant but only affect 2% of the systems in the State. The Chelmsford Board of Health has allowed pre-inspections that don't go on record. They have done 159 inspections locally since March and the failure rate is app. 35%, which makes a significant impact on those homeowners. Mr. Lawlor asked if there has been any change in the kinds of soils required and Mr. Emerson said this has not been required since January, that soil testing is now required only for new systems.

Mr. Emerson said that the legislature means well but it is the lending institutions who are calling the shots and the more sewerage we can do the better off people will be. The Sewer Commission will do a Town Meeting representation.

Jean Sullivan, Town Accountant and Finance Director Fred Mansfield were present to discuss the Town Accountant's annual evaluation. Mr. Lawlor commented that the BOS only reviews 3 employees, Town Manager, Accountant and Counsel. The state of our Finance Dept. affects our bond ratings and Ms. Sullivan has changed several day to day operations to more efficient methods.

Ms. Sullivan told the BOS that in 1995 they put the revenue report and statistical reports into effect, have put the General Ledger and Accounts Payable into the system and will put the School Dept. into it in January, 1996. She added that the new system makes it easier to get at figures, retrieve and print them out. One of her goals is to generate reports with less paperwork.

Mr. Mansfield said that we had two prior Town Accountants and a large turnover in that office. Several things had been out of balance with the Treasurer's Office and reports are now on time and Ms. Sullivan has been a Godsend. Ms. Sullivan said that her department members make the Town look good. Mr. Joyce said he has heard only good things about Ms. Sullivan and she is doing a great job. Mr. Lynch said he can't say enough about her, that we had a number of problems with the past 2 accountants and the Auditors are thrilled with where we are today. Mr. Lynch recommends to the BOS that she deserves a merit increase in line with other non-union employees and another step.

Under Town Manager Reports Mr. Lynch gave an update on the Center School, saying that the Town is now 39th on the State School Building Assistance Program list. We have been communicating with the Lighthouse School administration and we will start renovations in FY98. The architect is within the target numbers and the bid document is ready to go. We are just waiting for the appropriate time and funding from the State. The renovation figure is \$6,000,000. Mr. Lynch gave a recap on the history of the School.

He told the Board as a point of information that the dry summer has affected the Cranberry Bog and he has a full report on the removal of the boards at the dam from the Police Chief as Acting Town Manager, the Land Use Coordinator and the DPW Director. We are now drawing up a process with Carlisle for keeping the water level. There was a joint management project in 1986 but Carlisle opted not to take the state grant monies and manage on their own. The Town of Chelmsford controls the water rights. Mr. Lynch assured the people on Hart Pond that Carlisle won't take out the boards again.

Mr. Lynch reported that the Community Service Council has an effort underway to coordinate a volunteer bulletin board.

He reported that a number of people were active in putting up playground equipment this weekend, at Friendship Park and the East School. He thanked the DPW and many volunteers.

Mr. Lynch said that the Ambulance Committee Study Report is expensive to reproduce and at the suggestion of Mary Villare, former Town employee, we will utilize the Library as a Clearing House for various documents.

He reported that the Old Westford Road sidewalk project and the Graniteville Road repaving project are both well underway and apologized for the length of time the Graniteville Road project is taking.

He met with the Finance Committee to check closeout figures for FY95 and it was a very positive meeting.

Mr. Joyce asked him to bring up Town Manager goals and objectives at the next meeting.

The Board then met with Developer James DeCarolis and Attorney Paul Alphen for a presentation of the Erlin Road Affordable Housing Project. Mr. Lynch said that the Affordable Housing Program has been utilized on numerous occasions - elderly housing, the Courtyard and Lamplighter Green. It helps first time homebuyers find an affordable home. Mr. Lynch said that Mr. DeCarolis approached him several months ago and has met with the Affordable Housing Committee, (AHC) who reviewed the project, made recommendations and entered into a Memorandum of Understanding. The BOS can now review and comment on the project and vote to see if they want to go into a local initiative partnership. They would then go to the Board of Appeals for a Comprehensive Permit and then to the EOCD. There will

be 6 units, on two acres, with 2 of the units considered affordable. Mr. Joyce read the legal notice, noting the change in date.

Attorney Alphen spoke, noting that they have had several meetings with the AHC, that the roadway and driveway will be maintained privately, and they will form a Homeowners' Association. The average lot size will be 10,000 sq.ft. with 100 foot frontage which is comparable to existing lots in the area. The houses will be 24' x 34'.

Mr. Lynch said that one resident's concern is the resolution of the stonewall issue, which would be deed language and must be resolved before they go to the Board of Appeals.

Mr. Lawlor commented that this project will help the Town meet our affordable housing goal.

Mr. Lynch said that the EOCD sets the price on affordable units - \$89,000 with an income level of not more than \$33,900.

There was a question re the use of the roadway by schoolbuses, and Mr. Alphen said that it will be privately sanded, plowed and salted, with underground utilities.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve entering into the Local Initiative Partnership, subject to:

1. Board of Appeals approval of the Comprehensive Permit;
2. The terms set forth in the September 1, 1995 letter to Andy Sheehan;
3. Compliance with the terms in the May 10, 1995 Memorandum of Understanding; and
4. As a condition of an Occupancy Permit either the Town Manager or the DPW Director must sign a written order of compliance.

Mr. Lynch announced that there will be a lottery for first time homebuyers of 10 homes at Lamplighter Green.

Mr. Lynch read his list of appointments.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the following appointments:

Board of Appeals Alt. (6/96) - Leonard Richards; Conservation Commission (6/98) - Michael Jasinski; Commission on Disabilities (6/96) - Len Olenchak; Great Brook Advisory Board (6/96) - Robert Morse; Historic District Commission (6/97) - Joseph Marcotte; Recreation Commission (6/96) - Mary Jo Griffin; and Veterans' Emergency Fund Committee (6/96) - Fred Reid.

Under Contract Awards, the refurbishment of Engine 3 was awarded to the low qualified bidder M & R Auto Body for \$34,843. Vote was 3 in favor, 1 abstention (WFD).

Mr. Lynch said that the painting of the Old Town Hall was awarded to the second low qualified bidder, Homer Contracting, Arlington, MA in the amount of \$23,400. The low bidder didn't complete his bid and was wrong on the numbers - he said he should have bid \$20,000, not \$15,000. The work should be done by the end of

October.

Under Unscheduled Business, motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to:

1. approve a 1-day Beer and Wine License for the St. Vartanantz Armenian Church for Sept. 30;
2. approve a 1-day Auctioneer's license for NDR for Sept. 30 at the Radisson Heritage Hotel;
3. approve a Roadside Vendor's license to the Central Congregational Church to sell Christmas trees in the month of December; and
4. approve a 1-day Roadside Vendor's license for the Cultural Council to sell refreshments and art work on the Common on Saturday, September 30.

Motion by Mr. Lawlor, seconded by Mr. Dalton. unan. to approve the posting of the Warrant for the October 16 Fall Town Meeting, and to discuss the articles at the October 10th meeting.

Mr. Lynch told the BOS that Town Meeting will start on October 16, they will open and immediately adjourn to October 19 due to lack of a quorum. Mr. Joyce said we are doing this because of the election on October 17th.

Mr. Dalton asked about the intersection in North Chelmsford by the Shell station, and asked Mr. Lynch to call the State to ask them to get going. Mr. Joyce complained about the lack of signage at that location. Mr. Lynch said he will try to get a timetable, signage and determine when the project will end.

Ms. Gates commented that Nashoba Valley Tech is helping with the Daffodil plantings. She updated the Board on the happenings at the Toll House on the Common, which was opened as an Information Center on Tuesdays and Saturdays during July and August. They had at least 60 visitors from several different States. Ms. Gates thanked the volunteers and said that Boy Scout Jeff Needles, Troop 77, is going to renovate the building as an Eagle Scout project.

Mr. Lynch told her that we will have the catalogue of historic houses soon and that the Historic Commission is looking at buildings in North Chelmsford. Ms. Gates explained the difference between the Historic and Historic District Commissions.

Mr. Joyce thanked all the volunteers who helped with the playgrounds at Roberts Field and the East School.

He noted that the Friends of the Library had a very successful book sale, taking in app. \$33,000.

Mr. Joyce asked again about Stedman Street from Smith Street to the Lowell line, noting that the gas company is now making a mess out there, and he wants to have weed killer used. Marian Currier said this was done last Friday.

Mr. Joyce asked if anyone knows anything about the Ericksen's Corner sign to let us know, and Mr. Lynch said we have taken steps to have a new one made.

Mr. Joyce said that Mill Road from Raymond Road to Green's house looks like no man's land, and asked to have it paved.

At 9:45 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Isabel E. Carter

95 NOV -7 PM 12:13
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TOWN OF CHELMSFORD
TOWN CLERK
TOWN OF CHELMSFORD

Regular meeting of the Board of Selectmen held Thursday, October 12, 1995.
Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Susan J. Gates. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:05 pm noting that all 4 members were present. He reminded people of the election on Tuesday, October 17th.

During Open Session Tom Christiano, host of the Politically Incorrectable TV Show, said he had made a mistake on the library issue, stating it would cost \$20 per month per household in increased taxes, and should have said \$20.00 per quarter.

Matt Scott, Cable 43 Director, said he wanted to thank the Cable TV Commissioners who worked on the proposals for the community access channel - Jack Fischer, Kelly Beatty, Frank Peterson, Jake Sartz and especially Chairman Cy Locke, noting that Mr. Locke was one of the original developers of the Parker School studio. He also thanked Bernie Lynch and Attorney Peter Epstein, and said that we have a very authoritative, innovative contract.
Mr. Joyce thanked Mr. Scott and the whole CATV Commission, noting that we did not buckle under and it is a good contract for the Town and access TV. He also thanked Ms. Gates for jumping in at the last minute.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the following Proclamations:

1. Fire Prevention Week - Mr. Lawlor read the proclamation and presented it to Chief Jack Parow. The Chief said that it is now a month of fire prevention - they go into the schools at the K - 5 level, have a coloring contest and are having an Open House at the Central Station on Sunday.
2. Hospice Month - Mr. Lawlor said he has been asked by the Lowell Visiting Nurse Association to proclaim November as Hospice Month in Chelmsford. Mr. Lawlor read the proclamation which will be sent to the VNA.

John Gonsalves addressed the Board, stating that he wants to change the name on his Class 11 Auto Dealer's license from A-1 Auto Body to John's Auto Sales, 297 Littleton Road. He said he has had the license since 1978 and is not asking to increase the number of vehicles.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to do so.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve a Roadside Vendor's license for the Chelmsford Board of Elks #2310 to sell Christmas trees at 300 Littleton Road during the month of December.

Approval of minutes as listed: motion by Mr. Lawlor, seconded by Mr. Dalton, unan. June 26 (Reg. & Exec.); July 17 (Reg. & Exec.); August 3; August 15 (Work & Exec.); August 28 (Reg. & Exec.); Sept. 7 and Sept. 11 (Reg. & Exec.)

Mr. Lawlor asked about releasing minutes of Executive Sessions and Mr. Joyce said that once an issue is over, we can release them. Mr. Lawlor said that can we handle it

in a responsive way - if someone asks, we can review and vote to issue or not, on a case by case basis. Ms. Gates asked if they can be edited and Mr. Joyce told her Yes.

Under Town Manager Reports, Mr. Lynch noted the Fire Station Open House on Sunday, and the dedication of Friendship Park on Saturday. Mr. Joyce said that Kevin Ready had built the entrance at the front of the park. Mr. Lynch wants to ask the Committee in to a future meeting to thank all the volunteers.

Mr. Lynch then went over the BOS/Town Manager goals for the 3rd quarter of 1995:

1. 5-year Plan - the plan was presented in December and had a number of issues to be addressed. It should be updated on an annual basis and he will hold a Work Session to present FY97 - 2001.
2. FY96 Budget - completed, but adjustments will have to be made.
3. Capital Planning Committee met late fall and early winter, and the FY97 forms have gone out.
4. Economic Development - vacancy rate is down from 40% 4 or 5 years ago to retail the low - high teens. Retailing is the biggest problem as it is nationally. EDP will have announcements in the next 2 weeks. Some firms are looking at new building, which will raise more taxes, and the next re-val will be done in 2 years, not 3 to ease the burden on the taxpayer. Mr. Lynch explained Prop. 2 1/2 and why taxes are going up. Business taxes are down from 28% to 19% but will rise again as spaces are being filled. We should see stabilization in the tax bills. We have improved our infrastructure with roads and sewerage and businesses are finding our tax situation attractive.
5. Library Financing Strategy - we have completed all actions but did not get the State grant.
6. Implementation of In-house Ambulance Service Study completed, with ambulance service remaining private.
7. School/Municipal Sharing of Resources - not formalized but done on an Ad Hoc basis. Both have purchased the same software. All changes require buy-in and time; building/grounds maintenance is to be worked on and also personnel administration. Payroll will be soon coming in-house.
8. Citizen Relations Program - the newsletter has had tremendous response, and the issues are paid for by various departments - Sewer, Recreation, Solid Waste, and department heads give input and submissions. Mr. Joyce asked for better Cable TV Bulletin use, and Mr. Lynch said we now have 2 channels but will be going to 3 and also will have emergency override on all stations. Mr. Lynch said he will make Internet a 1996 goal of the BOS.
9. Expansion of Community Service Programs - Mr. Lynch said he will give the Board low cost alternatives for facility in November.
10. Central Square - we will have a presentation in the January/February time frame. They have asked for \$18,000 for engineering designs and any Town Meeting action could take place in the Spring.

Mr. Lynch reported that the Cable TV Contract is a good contract completed, with an institutional network and in 1997 we will be able to connect municipal buildings.

Much work has been completed re labor negotiations, and he will discuss this further in Executive Session. We have also completed the acquisition of a golf course and the selection of a new Town Counsel.

Under Contract Awards he has awarded the granite curbing on Steadman Street to Kohl Enterprises of Tyngsboro for \$22,740. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the contract award.

Under Selectmen Referrals, Mr. Dalton asked about Weide Street and Mr. Lynch said he is setting up a meeting.

He asked about a crosswalk in front of the West Fire Station by Roberts Field, and could we at least have cones and Mr. Lynch said Yes, and signage.

Mr. Dalton asked if we had looked into hiring a full-time grantwriter for both the school and the Town, and Mr. Lynch said that Andy Sheehan has been writing grants for us and that each department has its own point of connection. Andy does general grants - community improvement, Land Use, EOCED, but is not knowledgeable with Police, Fire, Sewers, etc. We have to be aggressive but there is a level of expertise in each department.

Mr. Dalton asked Mr. Lynch to check with MMA and see what communities do have a full time person. Mr. Lynch said that many Towns do it through their Planning Department or Assistant Town Manager.

Mr. Dalton then asked about Free Cash, why was it \$1.6 mil last year and \$2.3 mil this year - are we being overtaxed, or where is the money coming from.

Mr. Lynch said that Free Cash is a sign of the mental and managerial health of the community.

Included in Free Cash are unanticipated revenues - we can't anticipate unpaid taxes - this year the paid rate was 98%, last year 97%. This is the result of an aggressive collector - we now don't go more than one year without taking the property or putting people on a payment schedule. However, back taxes can only be collected once. The economy is also helping people to pay their back taxes, and there are not as many abatements granted.

The number of a Town's grades is its bond rating and ours is A-1. The Bond raters would like 5% of our revenue in Stabilization; we're at \$1.5 mil now but should get up to \$2.5 mil. Lower bond rates save great amounts of money.

Also our motor vehicle excise tax was \$400,000+ more than anticipated.

Mr. Dalton said people have told him that they want the \$2.2 mil paid back to them. Mr. Lynch said that we have also saved in the DPW but Mr. Dalton said they are telling him that they think they have been over-taxed.

Mr. Lynch said that taxes this year went up less than 2 1/2%, we are at 2% of our full evaluation, not the 2.5 that we could have been. Mr. Lynch said we should refund to the taxpayers all the savings in the trash contracts and re-invest the rest in the community through stabilization and infrastructure. We have never had a Free Cash or revenue deficit.

Mr. Lynch said that Lowell overanticipated their revenue by \$15 mil and had to borrow for operating expenses. Mr. Lawlor said that our tax rate is set by the state

Department of Revenue and Mr. Lynch said that our bond rating is A-1, the highest is AAA, so we are above average.

Ms. Gates asked Mr. Lynch about getting the records on the public access corporation for Cable TV. Mr. Lynch told her that he is meeting with Kelly Beatty and there will be one change - Channel 43 will be done by public access corporation. We have our own corporation, which can't be appointed by the Town. The CATV Commission doesn't do programming, since it is now prohibited by Federal law to do so. He and Ms. Gates will go through the documents.

Ms. Gates said she has talked to the Mass. Historical Commission and they are trying to find grants for buildings built by the WPA. She noted the bathhouse at Varney Park and thanked Mr. Belanger for helping with the architectural needs.

Mr. Lawlor reported that he attended the Center Water District Commission meeting last night and said that the Center and North Water Districts have made most substantial improvements to their infrastructure. He reminded people of the Election on Tuesday October 17th and said he wants a great turnout.

Mr. Lawlor then went to the podium and spoke on the warrant article re Adult Entertainment, stating that once we've closed The Princeton we are now proposing more areas. The unqualified goal of what we're trying to do is to assure that there will be no Adult Entertainment that we don't authorize. We want to exercise the kind of control where there will be no debasing entertainment and the best way to control it is to do what we're doing. He wants people to discuss the issue responsibly at Town Meeting.

Mr. Joyce asked about Mill Road and Mr. Lynch said he believes it will be paved this year. He added that Steadman Street looks much better.

Mr. Joyce said that re Free Cash, the TM reps will make a decision as to where it will go but he personally thinks it should be given back to the taxpayers.

Ms. Gates said she would like to disagree with him - that a government should be run like a business and dividends should be put back into the corporation on occasion.

Mr. Joyce said he has no problem putting it back into stabilization.

Mr. Lynch said that re giving \$3 mil to the library project over the next 10 years - we may not have as much Free Cash. Mr. Joyce said if we're going to have a capital project, let's capitalize it. Mr. Lynch said that we do, he's only making a proposal on facility needs, and it is ultimately up to Town Meeting. He added that we are not purposely underestimating revenues.

Mr. Joyce said that he and Mr. Lawlor were at Friendship Park over the weekend and he is pleased with it but is sad that the Town didn't do it. In the future let's look at park areas in Town and plan to upgrade them. Mr. Lynch said that Roberts Field has been in our plan for several years and we will have others as future priorities, which is good for services and aesthetics.

The Board then discussed the October 16, 1995 Town Meeting articles:

- No. 1 - unan. to recommend
- No. 2 - unan. to recommend
- No. 3 - unan. to recommend
- No. 4 - to be withdrawn
- No. 5 - unan. to defer to Town Meeting
- No. 6 - " " " "
- No. 7 - " " " "
- No. 8 - unan. to recommend - not to exceed \$8,000.
- No. 9 - to be withdrawn
- No. 10 - " " "
- No. 11 - unan. to defer until after the Election
- No. 12 - unan. to recommend
- No. 13 - unan. to recommend
- No. 14 - unan. to recommend
- No. 15 - unan. to defer to Town Meeting
- No. 16 - unan. to recommend
- No. 17 - unan. to defer to Town Meeting
- No. 18 - unan. to recommend
- No. 19 - unan. to recommend
- No. 20 - defer to Town Meeting (3 favor, 1 abstention (WFD)
- No. 21 - unan. to recommend
- No. 22 - unan. to defer to Town Meeting
- No. 23 - unan. to recommend
- No. 24 - unan. to defer to Town Meeting

Mr. Lynch announced that Saturday, October 14th is drop-off day for Brush and Hazardous Waste, and Sat. October 28th is drop-off for Furniture, Metal and Household Goods.

At 9:40 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss collective bargaining, pending litigation and acquisition of property.

Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye and RPJ-Aye.

For the Board of Selectmen, by

John E. Carter

RECEIVED
95 NOV -7 PM 12:13

Regular meeting of the Board of Selectmen held Thursday, October 19, 1995 at 6:45 pm at the Senior Center. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 6:55 pm. Motion by Ms. Gates, seconded by Mr. Welch, to adjourn to Executive Session to discuss collective bargaining, pending litigation and real property. Roll Call vote was: SJG-Aye; TJW-Aye and RPJ-Aye. Mr. Dalton did not vote and left the room due to collective bargaining being discussed and Mr. Lawlor arrived during the Executive Session.

At 7:15 pm the Board returned to Open Session and were joined by Mr. Dalton and Town Counsel John Giorgio.

Cemetery Director John Sousa and Commissioner Jean McCaffrey were present to discuss the issue of fees on their warrant article. Mr. Sousa pointed out that the shaded area under the article should not read Town by-laws, but Cemetery Rules and Regulations. Under Misc. in the article - Adoption of Fees - it was recommended by Town Counsel that we do it this way, that it has been our practice and in the Cemetery Commission's best interests. Mr. Sousa said that all fees collected go in to the General Fund except for Perpetual Care, and that Mass. General Laws call for the fees to be set by the Commissioners.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. for the BOS to recommend Article 6.

Public Hearings were held on two Street Acceptances: Burton Lane and Scotty Hollow Drive.

DPW Director Jim Pearson said that Burton Lane was approved by the Planning Board in July, 1987, a 400 ft long street with 5 homes, and all work has been completed. Mr. Lawlor said that it was brought up last April and the abutters couldn't agree on an issue, but Mr. Pearson said that has now been solved. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to accept Burton Lane as a public way within the Town.

Scotty Hollow Drive - Mr. Pearson said this was approved by the Planning Board in 1984 and the petition is for from Groton Road 900 feet in to be accepted, including the paved turnaround. The Town will plow only around the circle, not beyond. The speed bumps are beyond the circle. Mr. Pearson added that when the area is sewerred the current treatment plan will serve as a pump station.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to accept the first 900 feet of Scotty Hollow Drive as a public way within the Town.

The BOS discussed the warrant articles and deferred the rest of the recommendations until the article is presented at Town Meeting. It was decided re the CX zone article, Mr. Joyce will speak first and then Mr. Lawlor will explain the article and answer questions.

At 7:35 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

John E. Carr

turn Clark

55 NOV 27 PM 3:33

Regular meeting of the Board of Selectmen held Monday, November 6, 1995.
Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:10 p.m. noting that all members were present and welcoming new member Tom Welch.

Mr. Joyce asked for a moment of silence in memory of Carl Olsson, 12 year School Committee member, and read the funeral arrangements.

During Open Session Joan McMillan, 23 Sunset Avenue, spoke to the Board asking that next year Halloween be celebrated on October 31st, as surrounding towns do. She had to close her door at 7:00 p.m. after 150 kids had been to her house. Mr. Joyce said that the BOS has received several phone calls, mostly from the Westlands, about the excessive number of out of towners. Mr. Joyce said the Board will vote again next September, and Mr. Lawlor commented that the Police Chief had recommended Sunday for safety purposes.

Arnold Lovering, 8 Omega Circle, asked the BOS to consider passing a resolution supporting the Single Sales Tax legislation, noting that it is really about saving manufacturing jobs in Massachusetts. The single sales tax provides incentives for companies to stay in Massachusetts, and he noted that over 5,000 Chelmsford residents would benefit.

Mr. Lovering said he is not present as a Raytheon employee but as a business person, and know that the State would lose money in the first year but we shouldn't take the short term decision for the long term game.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS endorse the resolution for a single sales tax legislation. The resolution was signed by the Board and presented to Mr. Lovering.

Bob Sevigny, 26 Chatham Road, phoned in to ask about the number of double poles at a 15 degree tilt on Turnpike Road. Mr. Joyce told him that we have discussed this problem with the Town Manager and he will talk to Nynex.

Under Public Service, Mr. Dalton read a Veterans' Day Proclamation. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to proclaim Saturday, November 11, 1995 as Veterans' D Day. The proclamation was accepted by Veterans' Agent Bill Hahn, who asked the BOS to support Anne Jensen as Veteran/Citizen of the year. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to do so.

Mr. Hahn reminded residents that we will fly flags in memory of deceased veterans on the common and asked families to bring in burial flags.

At 7:40 p.m. Mr. Joyce asked for no more phone calls from the home audience. Residents may call the Selectline at 250-5200. The Call-in line number is 250-5251.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the BOS meetings of Sept. 25, Oct. 12 (Reg. and Exec.) and Oct. 19 (Reg. and Exec.) Mr. Joyce asked that the Sept. 25 minutes be changed to indicate that Nina

Lewin asked to come before the Board, that he did not invite her to attend.

Mr. Lynch said he is appointing Peter Nelson to the Solid Waste Advisory Committee. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the appointment.

Mr. Lawlor asked when will the Apple Country Club bids be awarded and Mr. Lynch said they are due Nov. 28 and it will probably be at the first meeting in December. There is a pre-bid conference tomorrow and we have issued 2 RFP's - one for the restaurant and one for the management of the golf course. They will be independent contractors, not employees of the Town. Mr. Lynch said that we are currently negotiating with the current lessee, who has paid the Town \$12,000 to lease the facility for the past 3 months, and we are now working with him to close it out for the winter.

Under Unscheduled Business the Republican Town Committee has submitted 3 names for a person to serve on the Board of Registrars, as required by the State. Mr. Lynch said that the incumbent John Ketcham strongly wants re-appointment. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the Board appoint John Ketcham, 3 Latch Road, to the Board of Registrars for a 3-year term.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve two 1-day All Alcoholic licenses for St. Vartanantz Armenian Church for Dec. 9 and Dec. 31.

Under Selectman Referrals, Mr. Welch said that with the re-paving that has been done on Graniteville Road we seem to have lost some curbing - it's hard to tell where the pavement ends and the sidewalk starts, which is a safety concern. Mr. Lynch will have DPW Director Jim Pearson look at it.

Ms. Gates reported that the first Winterfest meeting was held and they still need lots of volunteers. They are looking for fraternal organizations as sponsors and anyone interested should call Peggy Dunn.

She and Ms. Dunn attended a conference on Historic Preservation and learned a lot about how to teach the history of the Town, with a public access channel being one idea. She asked could the records of the Historic Commission and the Historic District Commission be moved to the Town Offices from the 1802 School House. Mr. Lynch said yes, and we are still trying to get a copy of the inventory of the historical buildings in Town.

Mr. Lawlor said that we have received a request from Bill Burns of the Banqueteer for a waiver of construction of handicapped accessibility. The building is under agreement to be sold, torn down and the property set up as an elderly care facility. Last year the Board had voted not to grant All Alcoholic licenses to establishments that aren't cooperating.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to issue a waiver to the Banqueteer not to exceed July 1, 1996.

Mr. Lawlor reported that he and Mr. Joyce attended the dedication of the new

North Chelmsford Water Tower. The Town should commend the North and Center Districts for their forward looking concerns.

Mr. Lawlor said there is a depression in Dalton Road at Field Street and residents have been calling him about it.

Mr. Lawlor asked if Mr. Lynch had looked into the practicality of the Town's acquiring the Forum and Mr. Lynch said he has spoken with Rep. Clevens's office and U. Mass at Lowell and they are waiting to see where the proposed Arena will go; however we have dibs on the property when it's declared surplus.

Mr. Dalton brought up Halloween, saying that he voted against having it on Sunday and that we haven't looked at the safety issue hard and long enough, that the streets were full of kids from neighboring towns and it should be on October 31st, when we expect it.

Mr. Dalton asked Mr. Lynch if he has talked with Nynex about double poles and Mr. Dalton asked him for locations and noted how many lines have to be removed from the poles before they can be taken down.

Mr. Lynch said that the utility companies say they aren't aware of double poles on an ongoing basis and that we don't get calls on double poles in the office. He asked Mr. Dalton to give him a list if he knows where these poles are, and he will send Town departments out to look for poles.

The Board met with David and Rosemary Lamoureux about the Town's Right of First Refusal on their 11 acre parcel of land on Concord Road, which is currently under Chapter 61A. Mr. Lynch explained that Chapters 61A and B are provisions of the General Laws which provide tax benefits to people who keep their land as Open Space, or undeveloped. The Lamoureuxs were present. Mr. Lawlor said that based on Andrew Sheehan's report the land doesn't have conservation value. Mrs. Lamoureux has spoken to the Assessors and the rollback taxes are minimal.

Mr. Lawlor explained the right of first refusal, noting that usually the notice of sale is accompanied with a sales agreement to sell the property, and if we have a number we can decide easier. It's usually triggered by a change of use, but in any event we don't want this property.

Mr. Joyce asked if we need the figures if it is developed into three Lot A's. Ms. Lamoureux spoke to the Board, saying that the property is now taxed at \$290,000 and they have 5 acres of wetlands. They wouldn't sell it for under \$400,000 and do have a written Purchase and Sales Agreement for more than that - it will be \$400,000. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS approve granting the waiver of the Right of First Refusal subject to examination by the Town Manager that the offered price is \$400,000 or more.

Fred Magnant, manager of A+Auto Sales, 10 Wesley Street, said there is a change in corporation on his Class II Auto Dealer's license to read A+ Auto Body Repair rather than Sun Total Systems. It will be limited to the existing 10 vehicle restriction. Mr. Magnant was also requesting that the Board change the street name to Wesley Street, rather than Plymouth and Wesley Streets. A letter from the Fire Chief gives approval, and there are no residents or businesses with a Plymouth Street address.] Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to transfer his Class II Auto Dealer license from Sun Total Systems to A+ Auto Body Repair and to discontinue

the name of Plymouth Street.

Glenn Thoren, Chairman of the Tax Classification Committee presented their report to the Board and gave a slide presentation. Mr. Thoren said the Committee was formed upon the request of the Board of Selectmen, that it has been a very active and productive committee, and they have gathered data to be used for future decisions. Mr. Thoren said that they wanted to reach a consensus and not have to file a minority report. They will print the written report ASAP.

Mr. Thoren said the committee's recommendation is that the Town gradually stop taxing commercial and industrial properties at a higher rate than residential properties. If the Town phases out classification for businesses, the taxes on residents could be lessened. The average tax increase since 1985 has been 87% with the classification system.

Mr. Thoren listed the Committee's other recommendations:

Re-evaluate the Town each year to avoid large swings in the tax burden due to substantial shifts in property values;

Emphasize tax classification more throughout the budget cycle so people are more aware of the relationship between classification and changes in taxes;

Set planning milestones for classification throughout the annual budget cycle;

Do not maintain a set percentage of tax burden for businesses and residents based on a foundation year;

Selectmen should better educate themselves about classification and its impact;

We should establish a standing committee for tax classification, which should be examined each fiscal year as the economic factors of the Town change and make recommendations as to the appropriate times to phase out classification.

Mr. Lawlor commented that recommendations 1 and 2 are the most objective, with a number of variables. Mr. Thoren said we have to take advantage of the economic recovery period.

Mr. Lawlor commended the committee for an excellent job.

Committee member Jim Doukzewicz said that the BOS did well in not shifting but staying the course.

Committee member Dick DeFreitas sees a window of opportunity and the rest of the recommendations are supportive of No. 1- to reach and keep parity. Mr. Welch said if this is a dynamic process reality says we may have to reconsider this again. Ms. Gates said that what we have to decide for ourselves is should businesses have to be taxed higher than residences.

Committee member Tom Moran said what the committee would like to see is to reach parity and to re-evaluate every year. Mr. Lynch said this should eliminate some peaks and valleys. Mr. Welch said that as a Board we need to agree on what our goal is and Mr. Dalton said that the Board's objective should be fair taxation, not one side

over the other.

Mr. Joyce congratulated Mr. Thoren and his committee for a great job.

The Classification Hearing will be on Thursday, November 16 at 7:00 p.m.

Mr. Dalton continued under Selectman Referrals asking about the crosswalks at School Street and Essex Place.

Mr. Dalton asked about the contract in the RFP's for Apple Country Club and Mr. Lynch said they will be sent to bidders in the mail.

Mr. Dalton asked about the Senior Living proposal on Technology Drive and Mr. Lynch said they have been to the Board of Appeals and are being reviewed by various departments. Mr. Dalton asked if this is similar to the proposed Gerontology Center in Lowell and Mr. Lynch told him that Chelmsford is a private venture, not a public concerted effort, and not geared towards research.

Mr. Dalton asked about the Town seal.

Mr. Dalton asked to set up a Work Session for the 5-year plan. Mr. Lynch said his annual presentation is due in December and he will include financial objectives as part of his goals. He added that the Board should start working on annual goals. Mr. Welch asked why hasn't anyone said what they'd like to see, that there is a lack of movement on anyone's part and we need to put some strategy in place.

There is a BOS meeting scheduled for Monday, December 11, and a Work Session will be scheduled for Thursday, December 14th.

Mr. Joyce thanked Mr. Lynch for taking care of the paving of Mill Road near the Mill and is now asking for lines to be painted on it.

He said that on Turnpike Road near Ansie, Porter and Jessie the sewer casings appear to have dropped and could the DPW take a look.

Mr. Joyce reported that he had attended the ribbon cutting for the new water tower in North Chelmsford. It takes a week and a half to fill it, and they did an outstanding job.

He asked about the Holiday Decorating Committee and Mr. Lynch said they will be attending the Nov. 16th meeting. Mr. Joyce said the Lighting Ceremony will be held Sunday, December 3rd at 5 pm and he will speak briefly.

At 9:45 p.m. motion by Mr. Lawlor, seconded by Mr. Dalton, to go into Executive Session to discuss contracts, collective bargaining and pending litigation. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen, by

John E. Cat

Town Clerk

RECEIVED
95 DEC 12 AM 11:24

Regular meeting of the Board of Selectmen held Thursday, November 16, 1995. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan E. J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:10 pm. No one wished to speak in Open Session.

Chairman Joyce opened the Classification Hearing and explained Classification, that currently businesses are taxed 105% to residential 100%. Selectman Dalton had asked for a committee to be formed last year, and we have received a draft final report from the committee.

Mr. Lawlor noted that we are talking about FY1996 taxes, that were voted at the Spring Annual Town Meeting. Residents have already received two bills - the Assessors have to take the amount budgeted and values and set the rate. The rate has to go to the Department of Revenue who will confirm it.

Head Assessor Diane Phillips said she has given the Board all the information they requested. She said that in the future they plan to do an interim re-certification for FY97, that residential values are climbing slowly and commercial vacancy rates have gone down but they are still paying low rents. Selectman Gates said that if we went to parity it would cost \$.23 per \$1,000 or \$37.00 for the average homeowner.

Chairman Joyce asked anyone present to speak for or against Classification. Attorney Doug Hausler, 51 Stonegate Road, speaking for the Chelmsford Business Association (CBA) said that Classification affects all of us, and that they appreciate the work of the sub-committee and are not surprised by their recommendations. It's easy to say let's not change course but the BOS has the opportunity of going to parity tonight. The CBA feels it should stay at 5% but roll back 1%. We now have the window of opportunity and can start the process of equality in Town for both businesses and residences. He asked the BOS to use their leadership to start the process.

The Town Manager said that he concurs with the recommendations of the sub-committee that we should move towards parity but stay at 105% this year and start next year to bring it down. We should come to parity over a 2-year period. Parity now is an additional burden on the homeowner and two years will coincide with re-evaluation and also an increase in sewer debt.

Committee Chairman Glenn Thoren said the committee wants to recommend that the BOS move towards parity and the timing would be determined by the time that commercial values have stabilized. His personal opinion is that based on the Assessors' information it looks like we've turned around with commercial values and he wants to wait until the next re-val in commercial values. We could drop a point now or wait for a change in commercial values.

Committee Member Richard DeFreitas said that it is the Board's responsibility, that when he was a Selectman he felt that when the commercial value was stabilized that

we should start to roll back. Ms. Gates said that this is a political football, that she is willing to leave it the way it is and let's focus on other issues in town than \$.23.

Tom Moran, a resident representative on the Classification Committee, said we recommend that first you re-evaluate the whole town, and that going to parity right now is not a small amount of money. Mr. Lynch noted that residential values are climbing at a greater rate than commercial and the BOS should go on record as following the recommendations to phase out over the next few years.

Brad Emerson, former Selectman, said he was on the BOS when classification first came in, that he voted against it then and would still do so, that it came in one fell swoop and the business community has taken a double hit over the past 5 years. Values are down and taxes are up and the BOS should consider eliminating it ASAP. He would eliminate 2 1/2% this year and 2 1/2% next year.

Ms. Gates said she challenges people who want to see classification go away but not when, that she has no problem going to parity now and that it is foolish to wait until the numbers are right.

Mr. Welch said that it is unfair to minimize the impact of a \$37 - \$40 increase, that could pay for 1/2 the library. All who spoke seem to agree that going back to parity should be phased in, that we still need a lot of info. The business community is not looking for parity immediately and he is not comfortable going immediately, he would like to have more data.

Henrick Johnson, former Selectman, said he would like to hear the BOS say if they're accepting the recommendations of the sub-committee, let's get that part done first.

Mr. Dalton thanked the Committee and said there is more to understand than we thought and that we should out parity but not all at once.

Attorney Hausler said it sounds like the BOS is agreeing with the Committee's philosophy but not how to implement it. Most businessmen are also residents and asked that the BOS not keep on discriminately making decisions tonight. There are a lot of positive things occurring right now.

Alan Friedman, 31 Jonathan Lane, said that after reading the local papers he wants to see the back-up, he is hearing that not all the data is in the report and is uncomfortable in setting a timetable. Let the BOS and the residents look at the final report.

Ms. Gates said we have to set the tax rate now, that the Town Manager and the Assessors have given us the necessary information and the Committee's report is not necessary for us to set the rate. Mr. Friedman asked to keep the status quo this year.

Dick DeFreitas said that the Committee did not make projections and he then read the survey questions sent out to businesses.

John Harrington said the CBA feels the BOS is heading in the right direction and they would like to see them start tonight. The flavor of the Board is changing. Mr. Dalton said he was a foe of eliminating classification but now based on the data he feels it should be eliminated.

Mr. Lawlor said as Senior member of the Board he has heard tomorrow and tomorrow, and the real issue is what do we actually pay, not the rate. He won't support changing the rate tonight. In reality the vacancy rate has dropped by over half, from 40% to 17.3%, Chelmsford is investing in infrastructure and businesses are getting good value.

Mr. Joyce asked Ms. Phillips if the BOS decided to go to 2 1/2% would the rate be \$19.72, with a reduction of \$.50 to businesses and an increase of \$.13 to residents.

Mr. Joyce stepped down from the chair and moved that the BOS adopt a classification rate of 102.5%, seconded by Ms. Gates for discussion. Ms. Gates said she would like to see 1% changes and Mr. Joyce amended his motion to drop to 103%. After discussion Mr. Joyce again amended his motion to drop to 104%. Mr. Lynch said that 1% is a symbolic gesture and he would recommend it. Vote on the motion to drop to 104% was 3 in favor, 2 opposed (PVL and WFD). Mr. Joyce said that the BOS is not going to vote in favor of the Committee's report tonight.

Donna Johnson and Linda Emerson from the Holiday Decorating Committee were present to inform the Board that Christmas Prelude is Sunday, December 3rd, and that there will be hayrides and entertainment, all free to the Town. The Committee had a major fundraising campaign and bought additional lights. Ms. Johnson named and thanked the businesses and firms who have donated. They invited Ms. Joyce to give the welcome address at 5:00 pm. The Police Dept. will close the Center to traffic from 3:30 to 6:30 pm and if it rains, the ceremony will take place the following Sunday.

Mr. Lynch said that the vendor by-law passed at the Spring ATM has been approved by the Attorney General and the BOS is designating the Restricted Vendor area in the Center for Prelude, a designated holiday.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Restricted Vendor area for Prelude.

Mr. Lawlor read the HIV/AIDS Day proclamation which was accepted by Donna Picard, and noted that a presentation on AIDS will be given by Jeanne Blake on December 7, 1995.

Walter Lewis was present to request a street opening permit on Robin Hill Road, which had been denied by the DPW Director. Mr. Lynch explained that per a by-law passed by the Town no street can be opened after Nov. 15 except in an emergency and also a street can't be opened for 3 years after paving. He read a letter from Jim Pearson denying this request.

Mr. Lewis explained that he has water running 400 feet from a house on Robin Hill Road to his horse stable, that the pipe is 20 years old and is springing leaks. The

Water Dept. wants him to run a direct pipe.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the street opening.

Mr. Lynch said this is an instance where the DPW Director is trying to enforce the by-law. If granted we require the bond to be held for a period of time longer than normal to make sure the patch holds up and that they use state of the art infrared paving patch.

Mr. Lawlor amended his motion to include that the contractor will leave a bond not to exceed \$5,000 at the discretion of the DPW Director and work to be performed to his standards.

A Public Hearing was held on the application of Jonathan Stilianos for a Common Victualer's license for Brueggers Bagel Bakery to be exercised on the premises at 101 Drum Hill Road. There will be 44 seats at 22 tables. Mr. Stilianos said he has started construction and has met with the Building Inspector and Health Department and is ADA approved.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the granting of this license.

A Public Hearing was held on the application of James Allard for a Class II Auto Dealer's license for a small, 6 vehicle used car dealership to be exercised on the premises to be known as Jim Allard's Auto Sales, 170 Middlesex Street (formerly Silva's). He is also operating an auto repair service for general repairs, no body work. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to grant the Class II Dealer license to Mr. Allard with the following restrictions:

1. Any repair work to be performed entirely inside the shop;
2. No vehicle is to be left in a state of disrepair outside for more than 48 hours;
3. No storage of auto parts outside;
4. No more than 6 vehicles for sale;
5. Submit annual report to Board of Health or Building Inspector on disposal of waste oils; and
6. No banners or bare light bulbs.

Mr. Lawlor asked for the benefit of the neighborhood that he have a nice looking lot and warned him that the Building Inspector and the BOS do inspections.

Re the Town Manager's evaluation Chairman Joyce said that Mr. Lynch will present his goals and accomplishments tonight and at the next meeting we will do the evaluation from each member's written evaluation form. The contractual part will be discussed in Executive Session.

Mr. Dalton left the room during this part of the meeting.

Mr. Lynch said that he has achieved almost all of his goals and the overall condition of the Town and delivery of services is in good shape. He has also added an addendum.

Goals : 1 Development and issuance of a 5-year plan: completed in Dec. 1994 and became an important tool for us. It is a fluid and dynamic document and should be

seen as a guide. He has met with many school and private groups and we need to look at what our priorities are and should be in the future.

2. Development of FY96 Budget - presented to TM in the Spring and amended at the Fall TM. It is a conservative. balance budget.
3. Capital Planning Budget - we are trying to stay at the \$1 mil level and it is for equipment and repairs. The list has to be culled each from several million to \$1 mil.
4. Economic Development - most successful. The vacancy rate has dropped and we have new marketing tools in "Chelmsford, It Works". We have put together a Permitting Guide document for small businesses and homeowners. Two components are not yet completed - incentives and infrastructure needs.
5. Library Financing development strategy - done, but not accepted by the voters.
6. Feasibility of an in-house Ambulance - the committee did a comprehensive study and a tremendous job. They did not recommend in-house at this time.
7. Town/School Sharing Resources - he wishes we could have done more. but will soon be operating with the same software program. We need to build on this.
8. Citizen Relations Program - this is important to him and we have accessibility and information to our residents. We have our Community Newsletter which is a model for many communities, our Permitting Handbook, a Town Offices handbook and Cable TV programs. He gave credit to Holly Rice and the Community Services Council for our first Winterfest.
9. Central Square Improvements - not complete, but the Committee is hoping for a conclusion in the Spring.
10. CATV Contract Renewal - was completed on September 28 and is an excellent contract for the Town.
11. Labor Negotiations - all contracts are affordable and signed but 2. There are language changes and he has met with each one of the 2 one time at this point.

His addendum contains 3 issues:

1. Apple Country Club - a major win for the Town. Setting up operations should be completed by the end of December.
2. New Town Counsel - it was a long process and we made a good election in Kopelman & Paige.
3. Adult Entertainment - our new zoning gives us more control.

Regarding the condition of the Town, Mr. Lynch said

1. the Town is doing very well financially, that the amount of Free Cash shows the financial health of the Town. In 1986 the Stabilization Fund was app. \$400,000 - it is now \$1.5 million.
2. Services:
 - a. Police Dept. - Chief Caron has had outstanding success with various programs;
 - b. Fire Dept. - Chief Parow has brought new vitality to the Department, including medical training for firefighters.
 - c. DPW - working on road improvements and sidewalk plans
 - d. Council on Aging and Library - both very well run and delivering important services to the Town operations.

Mr. Welch asked, looking at these goals in retrospect does Mr. Lynch feel that he was adequately challenged by them, and how many formal goals were expected. Mr. Lynch said that he doesn't include in his 1996 goals issues that are annual events, taking place yearly. He felt challenged last year, particularly with issues that came up during the year. Mr. Joyce noted that some of the issues highlighted were part of his job - the budget, etc.

The Town Manager's 1996 Goals are:

1. 1995 - finish up labor units;
2. Revitalize Central Square
3. Library - \$6.7 million is out of the question, but we do have to resolve accessibility, parking and additional space in an affordable way.
4. Telecommunications for citizens' input - Internet? we should use the technology available.
5. Park and Recreation facilities - our programs require additional space and we need to obtain other recreational assets.
6. Geographic information system - would site everything and have topographical data.
7. Regionalization of services - veterans' services and mutual aid - we will put additional focus on working with other communities and sharing of services.
8. Community Action Program - encourage Grass Roots level programs.
9. Facilities - we are stretched at the seams in this building, and are looking at grant and state aid programs. Sewer, DPW, Police Dept. need feasibility studies, also to combine police and fire
10. Minimize Borrowing Costs - to maintain and upgrade our bond rating.

Mr. Joyce stated that Mr. Dalton is not participating in the evaluation process because of ongoing fire contract negotiations.

He asked Board members to fill out Town Manager rating performance forms and get them back by the end of the month so he can present them in compiled form at the Dec. 11th meeting. He asked members to make any changes they would like in the form and Mr. Welch said that this form is a good representation of the average form that's out there. We can look at the form in early 1996 and he would like to add to it for future reference.

Mr. Joyce said that the collective bargaining part will begin in Executive Session and we will make the evaluations public at the Dec. 11th meeting.

Mr. Dalton rejoined the meeting

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the November 6th Regular and Executive Sessions.

Under Town Manager Reports, Mr. Lynch said that the Fire Dept. did a study of double poles and found 219. Many are being shifted over and we have asked Nynex for a history of all of the poles. They don't consider them double if they're working on having wires taken off.

Under Appointments, he has appointed Donald Stout, 43 Blossom Street, Lowell as a Deputy Constable. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve a 1-day All Alcoholic license for St. John's Church for a Parish Appreciation Dinner on December 2nd.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve Roadside Vendor's licenses to sell Christmas Trees to Chelmsford Little League at the Rte. 110 fields and Donald Kohl at 1-3 Princeton Street from Dec. 1 - Dec. 25.

Under Selectmen Referrals, Mr. Dalton asked about hiring a grantwriter and Mr. Lynch said he has asked the MMA Beacon to ask other Towns for info. He said it sounds similar to what Andy Sheehan does, and said it is standard to have grantwriters within a Community Development Department.

Mr. Dalton asked about the Davis Road widening and Mr. Lynch said they're trying to resolve the telephone pole position first - they can't widen the road until the pole is removed.

Mr. Dalton said that the Weide Street problem is somewhat resolved and we are doing an easement plan.

Ms. Gates said that Chelmsford High School is doing a production of "Lost in Yonkers" at the McCarthy Middle School Thursday through Saturday, and tickets are \$7.00.

Ms. Gates said she attended an ABCC informational and training session with Chief Caron, and it was suggested that the licensing authority should appoint someone or a group of people to be inspection people who would become familiar with the various restaurant managers and bartenders. Chief Caron had said that some of his men could be appointed and he would work with the Town Manager to create a list. Ms. Gates said the point of this would be to develop a non-adversarial relationship, and that the ABCC may be abolished within the next few months.

Mr. Welch asked if the DPW has looked at the curbing on Graniteville Road and Mr. Lynch said the cost to raise the sidewalks would be \$80,000 - \$150,000. They are now looking at raising up specific curbs.

Mr. Welch said that the intersection of Davis and Old Westford Roads is very dangerous, that sight lines and speed are both problems and he asked to have the Safety Officer look into this. Mr. Joyce said maybe they could at least put up warning signs.

Mr. Lawlor said he had heard from Fairbanks Road residents that the Police were called because lawn equipment and a power saw were being operated on a Sunday.

Mr. Joyce asked to have the lines on Mill Road painted before it snows. He commented that there is a leash law for dogs to be restrained for 24 hours, but not on their own property. What if they leave their property - is there a weakness in the law?

At 10:20 pm motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss collective bargaining and contractual negotiations. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen, by

J. L. E. Cate

town clerk

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Regular meeting of the Board of Selectmen held Monday, December 11, 1995. 34 Members present were; Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

MARY E. ST. HILAIRE
TOWN CLERK

Chairman Joyce called the meeting to order at 7:10 p.m.

Under Public Service the Friends of the Park Committee, who funded and built a new park at Roger's Field, were present to receive a Certificate of Appreciation. Kathy Cullen thanked everyone for their efforts, especially Mr. Lynch, and asked people to keep the park clean. She said that they said that we still have things to buy for the park and explained the Buy a Brick program.

During the Open Session Glenn Thoren, Chairman of the Tax Classification Committee, said he has had a landslide - at least 6 people - of input on the BOS vote on the Classification issue. They asked his opinion re the vote that was taken to drop to 4% and did the Committee recommend an increase on residential taxes, and he said No. The process should be implemented so as not to adversely effect residents and it is his opinion that raising residential taxes and lowering business taxes was not good at this time. He asked the BOS to look at the recommendations of the Committee and vote to endorse or not endorse forming a Standing Committee. His opinion is that the recommendations as written were the best answer to the problem. Mr. Lawlor said to recap what the disagreement is - we have heard the Committee recommending no differential, and the issue is timing. The Committee intended reaching parity as the increase in value grows.

Motion by Ms. Gates, seconded by Mr. Dalton, unan. to accept the report of the Tax Classification Committee if there is no inferred suggestion to endorse it.

Ms. Gates said it is disingenuous to say that going for parity will have no effect on residents and it will definitely have an effect in the future. She also spoke with at least 6 people who were in favor of the Board's vote. Mr. Dalton commented that if we stay at 5% rates would go up \$100, and if we go to parity it would only be \$80. Mr. Lynch said there is always an impact by moving to parity. Mr. Welch said he is comfortable with the vote he took for a 1% drop, that he has read the minutes for the past 5 years and there has been the same discussion of parity every year. This year we acted to move back towards parity and are trying to do the right thing for the community.

Motion by Mr. Dalton to accept all recommendations of the Committee's report. Motion failed for lack of a second. Ms. Gates said that the recommendations have been presented to us but we have just received the back-up documents. The Committee should have known that the BOS had to vote on Classification and we had the basic information we needed to vote. Mr. Thoren said that the Committee said that we should wait until the value of commercial property goes up, and Mr. Lynch said that there would still be a tax increase to the residential tax payer.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of the Executive Sessions of October 23 and November 16, and the regular session of November 16, 1995.

Under Town Manager Reports, Mr. Lynch reported that re the snowstorm over the weekend, it has been a couple of years since we've had a snowstorm in Town and he commended the Highway and DPW Depts. for their work over the weekend. The snow shifted to rain, which froze and the Highway Dept. is sanding again tonight. He explained the process of sanding and plowing, and stated that we don't plow driveways in on purpose. The storm cost app. \$35,000 and our roads were superior to the other towns.

Mr. Lynch said he has appointed Matthew St. Hilaire as Deputy Counsel upon the request of Constable Bill Spence. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the appointment.

Under Contract Awards, Mr. Lynch said he has awarded the audit contract to Brown & Barrett for FY95 - FY98, for \$19,000 per year. He said that all Town officials are pleased with them. Mr. Lawlor said that previous BOS members have said that we should change auditors periodically but Mr. Lynch said that this does not have to out for bid under CH30B and there are advantages to staying with the same firm - they're most knowledgeable about the Town plus they give a low rate and only do municipal work.

Motion by Mr. Lawlor, seconded by Mr. Dalton, to recommend the appointment of Brown & Barrett. Mr. Lawlor noted that the controls are in place with the Dept. of Revenue and Town Accountant Jean Sullivan.

Mr. Joyce said he has several problems staying with the same firm - we should award for only one year and solicit bids from other firms, that we have no comparison and it is good to make a change. He added that he has no problem with their competency or high standards.

Vote on the motion was 4 in favor, one opposed (RPJ).

Mr. Lynch reported that the Master Plan Committee went through the RFP process for a consultant, and the 2 plans submitted were reviewed by a sub-committee. They are recommending John Burns Associates of Cambridge and he is awarding the contract to them for a fee not to exceed the \$50K which was approved at Town Meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the award.

Mr. Lynch said that we received 2 proposals for the management of the Apple golf course - Billerica Country Club and Sterling Golf Management. He will be awarding to Sterling, the highest bidder. They are offering the Town 12% of the gross revenue, with a minimum of \$50,000 per year and will put 8% back into the community each year. They are all turf managers and City of Newton is very satisfied with them. They have some ideas re junior and senior golf programs and using the course on a 12 month basis - Winterfest, etc. We received no proposals for the restaurant portion but are discussing it with Sterling. He will make the award official at the first meeting in January.

Mr. Lynch continued that Ed Jamros has been working with Ed Carlson and all the equipment is now on Town property. Some of the equipment needs working on, and the course has been winterized.

Mr. Lawlor asked about sand being available for residents and was told it is across the street from McCarthy Middle School on Old Westford Road.

Mr. Lynch reported that he has been in touch with Nynex and we will be having a meeting.

Jeff Favor, Mass. Electric Engineering Department, was present with two pole petitions on Drum Hill Road and Parkhurst Road to serve Bickford's and the new plaza. The Drum Hill Road pole is directly across from the existing one and the same on Parkhurst Road.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of these poles.

Lawrence Larsen, 34 Elm Street, was present representing St. Joseph's Cemetery. He showed a plot plan of the property with the existing 1,000 gal underground storage tank which will be removed and disposed of. A 1,000 gallon gasoline aboveground tank will be installed for the use of the groundskeeper at the cemetery, and the Fire Chief has approved the application.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the installation of the aboveground tank.

Charles McCormack, with an office at 5 Dunstable Road, was present requesting a Taxi license to operate in the Town of Chelmsford. Mr. McCormack said he has been licensed in Lowell for 5 years. He will operate from 5 am - 6 pm on weekdays, and is closed on Sundays and evenings, since he has only one cab and he and his wife are the only drivers.

The Police Chief recommends this application.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve a license for 1 taxi at 5 Dunstable Road.

A Public Hearing was held on the renewal of the Class III Auto Dealer's license issued to North Chelmsford Auto Parts on Sleeper Street. Charles D'Angelo, President, was present. Land Use Coordinator Andrew Sheehan is recommending renewal - there were problems last summer but they are all cleared up. Mr. Lawlor said he visited the property and the fence looks tired, and Mr. D'Angelo said they are constantly repairing it. No one present spoke in favor of or opposition to this license renewal.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the renewal of the Class III license.

Al Daley, Operating Manager of U.S. Shuttle was present stating that as a requirement of the State he needs a license from the BOS permitting them to pass over certain named streets in the Town of Chelmsford. Mr. Daley said they have operated in Belmont for a year now, and would expect to transport 15 - 20 people a

month to Logan Airport.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve.

The Board then discussed the annual license renewals. Mr. Lynch read the list of licenses to be renewed: All Alcoholic Package Store, Beer & Wine Package Store, All Alcoholic Club, All Alcoholic Common Victualer, Beer & Wine Common Victualer, All Alcoholic Innholder, Common Victualer, Seasonal Common Victualer, Theatre, Billiard, Weekday Entertainment, Class I, II and III and Auctioneer. He said we have reviewed them all for payment of taxes and ADA compliance. Some owe taxes and have either set up a payment plan or are planning to pay by the end of the year. He recommends renewal of all licenses contingent on tax compliance or a payment plan by Dec. 31.

The Building Inspector has noted 3 establishments that are not ADA compliant: Skip's Restaurant, who has the work out to bid; Vincenzo's, who is currently installing the signs, and Hong & Kong, who is working with Ralph Hickey on ADA compliance.

Mr. Lawlor said he is not voting on Dunkin' Donuts, CIRO's or Vincenzo's.

Motion by Mr. Lawlor to approve all Alcoholic Beverage licenses subject to:

1. all property taxes be current as of the time of license renewal or the licensee has entered into an agreement with the Tax Collector;
2. all licenses be approved with ADA compliance with 3 exceptions, which will have a 6 month review;
3. subject to BOS inspection by the end of the year.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve all alcoholic licenses except Vincenzo's and CIRO's.

Motion by Mr. Dalton, seconded by Ms. Gates, to approve the renewal of Vincenzo's and CIRO's all alcoholic licenses. Vote was 4 in favor, 1 abstention (PVL).

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve all package store licenses, subject to the same conditions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve renewal of all Common Victualer licenses except Dunkin Donuts, subject to the same conditions.

Motion by Mr. Dalton, seconded by Ms. Gates, to approve renewal of Common Victualer licenses for Dunkin Donuts (2 locations) subject to the same conditions. Vote was 4 in favor, 1 abstention (PVL).

Motion by Mr. Lawlor, seconded by Mr. Dalton, to approve the renewal of Class I and II Auto Dealer licenses, subject to the condition that the licenses so noted have either paid all taxes or have an agreement with the Collector. Ms. Gates questioned the license at 1 - 9 Princeton Street re limiting the number of vehicles. Mr. Lynch said we should monitor this and he will check with Town Counsel re the BOS being able to restrict the number of vehicles.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to renew all Class I and II Auto Dealer licenses and McGovern's through Feb. 29, 1996. The Town Manager will clarify this. Mr. Welch questioned the restrictions on bulbs and flags for auto dealers and Mr. Lynch said he will clarify this with counsel.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the two Seasonal Common Victualer licenses, subject to the same conditions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve all Weekday Entertainment and Automatic Amusement licenses, subject to the same conditions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the billiards licenses for Country Clubs USA and Too, subject to the same conditions.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the Auctioneer's license, subject to the same conditions.

At 8:45 pm the Board took a 5 minute break.

The Board came back in session at 8:55 pm and Mr. Dalton did not participate in the following part of the meeting but sat in the back of the room.

Mr. Joyce said that the Town Manager's evaluation is usually in conjunction with re-negotiating his contract. We used the same form as last year and each member received one. He has not compiled them into a number, but each should stand on its own. He did not ask for former BOS members input. Mr. Joyce reviewed the categories rated and said that Mr. Lynch received a very good review.

Mr. Welch commented that being newly elected he has had limited opportunity to work with Mr. Lynch but across the board on every measuring stick his performance has been first rate. He has taken the opportunity to look into creative ways to bring the Town forward into the future. He is one of the best Town Managers in this area, if not in the State. Mr. Welch rated him 4.5 out of 5, is very satisfied and hopes to see the good work continue.

Ms. Gates said that when she was elected she was interested in the quality of life issue, and Mr. Lynch also is concerned with this issue. Sometimes people focus on the budget too much but he has always listened to and helped me and she sees him as an excellent manager overall. His major accomplishments have been: acquisition of the Apple Country Club, solid waste contract, cable TV contract, settlement of union contracts and future library expansion. She has given him a 4+.

Mr. Lawlor said he has similar comments - the pluses of Bernie are self-evident. He is pleased this year that the areas that needed improvement, especially communication skills, has been improved through open hours, meeting with various groups and solicited input. Areas that need work - the breadth of his responsibilities may make some tasks take longer, since distraction is inevitable and this has been an unusual

year.

He would like to see Manager/BOS interaction outside of formal Board meetings and to see greater involvement by the Town Manager in the operations of the School Dept., a cohesiveness of direction in personnel and purchasing. Mr. Lawlor gave Mr. Lynch a rating of 4.3.

Mr. Joyce said that he is making no comments, strictly rating, and his overall rating is 3.7.

Mr. Lynch thanked the BOS for their input and said he thinks the Town has done very well the last several years. He thanked department heads, employees, volunteers and the Board.

Mr. Joyce said that the contract will be discussed later tonight in Executive Session and when it is agreed on we will make the terms of the contract public. Mr. Welch commented that he hopes that what happens will remain confidential.

Mr. Dalton rejoined the meeting.

Under Selectman Referrals Ms. Gates reminded residents that Winterfest will take place on February 2, 3 and 4. Mr. Lynch added that there are a number of activities being planned, including some at Apple Country Club.

Mr. Dalton asked if he had spoken with Nynex, stating that the Town Manager had sent out 5 pieces of Fire Dept. equipment to list double poles and he thinks it was the telephone company's responsibility and we should bill them for the use of the Town's time and equipment.

Mr. Lynch said that for us to have credibility on this double pole issue we have to indicate where they are - what poles and the number of utilities that use these poles. If the Board wants he will invite Nynex in.

Mr. Lawlor suggested sending a letter to Nynex indicating all the double poles, with a copy to the Department of Public Utilities, and ask them to present us with a schedule of when they will be taken down. Mr. Lynch said we have done this, but will send a copy to the DPU. Mr. Lawlor said to indicate to them that there are public safety issues involved, as well as aesthetics.

Mr. Dalton said that last spring we had a non-binding question re changing of the charter and he would like it put on the Spring Town Meeting. Motion by Mr. Dalton, seconded by Mr. Dalton, unan, to ask Mr. Lynch to talk with Town Counsel about drafting an article.

Mr. Lawlor said that this is the last public meeting before Christmas and 3 out of 5 of us have been elected to the BOS this year. We want to thank the people and hope you have trust in all 5 of us. The Townspeople being vocal has made all of us better selectmen.

Mr. Joyce reported that there was a very successful lighting ceremony on the Common on December 3rd and all the Board was there. We had a hardworking

group of volunteers who got donations and they need a formal thank you. He reported that the Pearl Harbor Day Celebration was held Sunday, December 10, and was a very nice event. They unveiled 2 or 3 more stones. He said he received a letter from Lowell Cable TV in his bill and thought the BOS was going to review it as a joint letter. He felt they blamed the BOS for the cost increase and he did not like the letter.

Ms. Gates asked to explain, that the 4.25% added is fee allowed by federal statute, that only subscribers pay it, and it is a way to allow communities to have a TV station to allow residents to see what's happening in Town - a public access channel.

Mr. Lynch added that in the past the whole operation has been funded by taxes, but not all subscribers will go from 2 to 4 channels.

At 9:30 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to go into Executive Session to discuss collective bargaining. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen, by

Judith E. Carter

95 JAN 10 PM 3:34

Regular meeting of the Board of Selectmen held Monday, December 19, 1995. Members present were: Roger A. Blomgren, Robert P. Joyce (arrived at 7:10 p.m.) William F. Dalton, Jeffrey A. Brem and Peter V. Lawlor. Town Manager Bernard Lynch was also present.

During the Open Session Jeff Stallard addressed the Board, saying that the last two blocks at the Veterans' Memorial Park are going to be put up and the cost to have a veterans' name inscribed is now \$100.00 due to an increase in the price of granite. The veteran should have lived in Chelmsford for at least 10 years or lived here while in the military. There is room now for a total of 150 more names in the main section.

Motion by Mr. Dalton seconded by Mr. Brem to approve the minutes of the meeting of Nov. 7, 1994 (Reg. and Exec.) and of the Work Session and Exec. Session of Nov. 14, 1994. Vote was 4 in favor.

Mr. Joyce joined the meeting at 7:10 p.m.

Mr. Blomgren announced that there will be a Blood Drive for Jim Quinn on Thursday, Jan. 4, from 10 am - 4 pm at the Mill Complex on Princeton Street. This is sponsored by Mass. General Hospital. He asked the press to publicize this, and to have it on the Cable 43 Message Board.

Under Town Manager Reports, Mr. Lynch talked about the trash and recycling programs, noting that Waste Management has done a good job and we're paying \$50.00 per ton. Our trash is being taken to NESWC in North Andover. The Town has had chances to tie in with that facility but it's a good thing that we haven't - we're saving money in the spot market situation.

Mr. Lynch continued, saying that we have an active recycling program and our Solid Waste Advisory Committee (SWAC) has spent the last few months preparing specs for the new contract, to commence July 1st. They are dealing with several factors, with new State laws re what can go into our trash - burn facilities and landfills can no longer take leaves, for instance. Barbara Scavezze, CH of the SWAC, said that the new solid waste bids going out are due in February and we hope to award the bid in March. Mr. Lynch said that we need to do something re long term strategy but there is nothing that the BOS needs to vote on tonight. He added that costs have been increased by NESWC and energy credits not granted.

Ms. Scavezze then addressed the BOS, and acknowledged her committee, noting that they are a hardworking committee meeting every week. She said that 12,000 fliers were sent out with questionnaires that 569 responses were received and 93% of these wanted curbside recycling. She said that we are on the State's

"good list", that we don't have to have every load inspected, and have to have certain items included in our curbside program. Ms. Scavezze went over an Executive Summary that she had prepared for the Board, noting that the price will eventually have to go up, and that the State has a recycling goal of 46% by the year 2000. If the BOS has any questions on the specs before they go out she or Mr. Lynch will go over them. She added that the bi-monthly drop-offs have been very successful.

Mr. Lawlor said that Chelmsford is in the forefront in the solid waste department thanks to our forward thinking SWAC, and the fact that we change contractors doesn't mean that we're dissatisfied, maybe it's just fine tuning. He asked if the Committee has looked at regional collecting, to cut transportation costs. Mr. Lynch told him that we haven't looked at it recently and that it could make sense to go out for bid jointly, but there are limitations. Mr. Lawlor said that in some large contracts we have asked for professional help, such as the CATV contract. Mr. Lynch said he feels quite confident that we have a good committee and have also consulted with Town Counsel and he will review the contract. He said that he is not aware of any specialists on solid waste, and Ms. Scavezze added that they have looked at other Town's contracts.

Ms. Scavezze said that she is on the Board of Directors of the Eastern Mass. Recycling organization and very active in that group.

Mr. Brem said he has big accolades for the SWAC, and that we made a big mistake with the fee system which cost our average resident over \$200 per year, and asked how much cost per household now. Ms. Scavezze said costs have gone down and Mr. Brem said we have a better program now than in 1991. Mr. Blomgren said he can only say good things about the committee and work that has been done. Ms. Scavezze said that we will have good times the next couple of years but then may need more money, and Mr. Lynch said it may come to choices.

Mr. Lynch had prepared a list of Town-owned land prior to 1994, all lots that have not been bid on, so we are now looking at the assessed value as the minimum bid. Mr. Dalton questioned Kevin Road and Mr. Lynch said there is a lot of wetlands there and only one dry lot, #56.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to set the minimum bid at the assessed value as recommended by the Town Manager. Mr. Lynch added that they will be advertised all together in one big ad, and all abutters notified

Under Appointments, Mr. Lynch said he has appointed John Alden as a member of the Historic Commission, and as an alternate on the Historic District Commission, saying that we need cross membership by one individual. Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the appointment.

Under BOS Referrals, Mr. Lawlor said that there is a clothing collection box for profit placed on the railroad tracks across from Pickwick Apartments in North Chelmsford that should be removed.

Mr. Dalton said that at Bill and Andy's on Chelmsford Street the power line off the street to the building is too taut and almost off the building. He asked that the office contact Mass. Electric because this is a safety hazard.

Mr. Dalton questioned the flag on the North Chelmsford Common and Mr. Lawlor said it has been replaced.

Mr. Dalton asked when the pole in the middle of the sidewalk at Mr. Avila's on Davis Road will be removed.

Mr. Brem asked the Town Manager to give a number for residents to call during a snowstorm, and he said 250-5271, a line that is manned by the Highway Dept. during storms. Mr. Lynch said if there is a problem with icy roads the Police Dept. should be called. He said he will give the Board monthly updates on the Snow and Ice Account this winter.

Mr. Blomgren again asked about the signs on Rte. 110 and Mr. Lynch said that Senator Hicks is looking into why they have not been replaced.

Mr. Dalton asked Mr. Lynch how his Open Hours have been going and he said that a few residents have come in each time. Mr. Lynch added that if a resident can't come in by 4 pm on Tuesdays to let him know and he will stay til 5:30 pm.

The Board then discussed the renewal of annual licenses for 1995. Mr. Lawlor noted that Ralph Hickey of the Commission on Disabilities is present and said that he has spent a lot of time working with establishments on ADA compliance. He noted that the BOS has adopted a policy and any new premises must comply and others will be considered on a case by case basis.

Mr. Hickey told the Board that he has worked with most of the establishments on the list of Common Victualer licenses, that some can be more accessible and he and the Building Inspector are working with those. Each non-conforming establishment is asked to submit a plan and the Handicapped Commission hopes to visit any premises that has not done so. Mr. Hickey continued that all know what has to be done but some are slow in complying. Handicapped parking signs can still be painted as long as the weather holds. All the establishments on the list are OK to be approved for renewal.

Mr. Hickey said that the Commission has received requests from all over the State for copies of our compliance program and Mr. Blomgren told him that the same type of leadership has come from his committee as the SWAC, and they have done an excellent job. Mr. Joyce asked what if handicapped parking isn't in front of the building, and Mr. Hickey said the next time the lot is repainted, it should be moved to be

in compliance. He added that the cooperation has been very good in Town.

Mr. Dalton said that Friendly's and the Apple Country Club have sent in letters requesting waivers. Mr. Hickey said that Friendly's is going to send in a plan and should be in full compliance and we should make them submit a plan with the date. He doesn't think there is a hardship in this case Mr. Blomgren asked Mr. Hickey to contact Friendly's and tell them that the BOS is issuing a conditional renewal and will not grant a waiver. Mr. Hickey said they have changed their parking, front entrance and seating, but not the restrooms. Mr. Hickey will look at the Apple Country Club and noted that if it is under 1200 square feet they can have a unisex bathroom. He said that Jack's Diner could in no way be accessible and they are going to put a bell on the outside of the restaurant and will bring food or coffee out to the handicapped person. The same would be true with the Vinal Square Donut Shop.

Mr. Lawlor noted that we have two issues here: if an establishment is new, it must be in compliance and if it is up for license renewal it must be heading towards compliance. Mr. Blomgren said we should hold on the following Alcoholic Common Victualer licenses until taxes are paid or arrangements have been made with the Treasurer/Town Manager: 225 Littleton Road, 300 Littleton Road, 40 Chelmsford Street, 131 Drum Hill Road, 147 Princeton Street and 83 Parkhurst Road.

Mr. Lawlor said he will not vote on Bertucci's, Ciro's or Vincenzo's due to a conflict of interest.

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve all renewals on the first list with the exceptions and stipulations noted above. Vote was unan. in favor.

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve the renewal of Bertucci's, Ciro's and Vincenzo's licenses. Vote was 4 in favor, 1 abstention (PVL).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve all package store licenses with 271 Chelmsford Street being conditional upon approved payment plan for taxes.

Common Victualer licenses: Mr. Hickey went over the list with the Board, noting that the 5 establishments on Summer Street all have parking issues but this is up to the owner and also at Drum Hill. Any outside violations are up to the owner, not the tenant. He also noted that some places on the CV list do not have seating so do not need bathrooms. The list of those not in compliance with ADA include Brothers, Burger King, Cafe Bake-Shoppe, Carvel Ice Cream, Center Deli, Chelmsford Dunkin Donuts, Express Pizza, Friendly's, Lil Caesars, Tai Shaing, TCBY, Timbo's and Tony and Ann's. Taxes are owed on 55 Summer St., 17 Summer St, and TCBY. Mr. Lawlor said he not vote on Dunkin Donuts and

Mr. Joyce said he will not vote on any Summer Street licenses due to possible conflicts of interest.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve all CVL's with conditions noted above except Summer Street and Dunkin Donuts.

Motion by Mr. Dalton, seconded by Mr. Brem, to approve CVL's for Summer Street subject to above conditions. Vote was 4 in favor, 1 abstention (RPJ).

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve CVL's for Dunkin Donuts, subject to above conditions. Vote was 4 in favor, 1 abstention (PVL)

Motion by Mr. Joyce, seconded by Mr. Dalton, to approve CVLs for all establishments owing taxes, (55 Summer, 17 Summer, 297 Chelmsford, 83 Parkhurst and 35 Tyngsboro) subject to payment of taxes or payment plan approved by Treasurer.

Motion by Mr. Brem, seconded by Mr. Lawlor, to deny a CVL to Burger King, Summer Street, because of loitering and littering. Mr. Dalton said they are trying to stop the loitering. Mr. Brem then withdrew his motion.

Motion by Mr. Brem, seconded by Mr. Lawlor, to issue a conditional license for a 3 month period pending a receipt of a plan of action to be taken to make the establishment a safe and comfortable place for residents to go. Vote on the motion was 4 in favor, 1 abstention (RPJ).

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the renewal of Class I and II Auto Dealer's licenses with the following conditions:

29 Oak Street - personal property and real estate taxes; 14 - 15 Progress Avenue - personal property; 74 Riverneck Road - real estate;

subject to all taxes being paid or a payment plan approved by the Treasurer.

Class III Auto Dealer - D'Angelo's North Chelmsford Auto Parts - Mr. Lawlor said he went there Saturday and the fence is deplorable and there seems to be a status quo on any progress being made.

Motion by Mr. Joyce, seconded by Mr. Lawlor, unan. to issue a 6 month conditional license.

Motion by Mr. Joyce, seconded by Mr. Dalton, unan. to approve the rest of the miscellaneous licenses on the list provided by the office, subject to tax and ADA compliance.

Mr. Joyce then said he wished to address the potential of having a Town-owned ambulance and read a statement:

- Why has it taken 3 years to come up with some kind of ambulance proposal yet we only spent 2 months to study a public safety director and this was a more severe change to the way we had been doing business.

- The Fire Chief has indicated that we can provide better EMS

Services at no additional cost to the Town; we hired the Chief because of vast experience, now let him run with this project.

- There have been reports that the Town Manager has told the Ambulance Study Committee to slow down, that they are working too fast.
- I have heard that collective bargaining is being considered in this proposal. I think you should decide to go forward and then settle the issues with bargaining later.
- I am somewhat suspicious that the Town Manager has made some kind of "deal" with the current ambulance company when we can have an in-house service which we control and benefit financially and managerially;
- The bottom line is if we can provide "better" service for EMS through our Fire Dept. then why are we dragging our feet. We currently have over 25 FF's who have on their own initiative become certified EMT's. They are currently responding to calls as EMT's and are receiving many compliments on their prompt and professional execution of EMS Services.

If we can provide better EMS service through the Fire Dept. why drag our feet - we have many EMT's and should make this a priority for 1995.

Mr. Lynch said that he has no deals with the private ambulance service and the Study Committee has said that a shared approach may be workable. When I appointed the Chief a year ago I noted his experience with ambulances and the Board asked that we study an in-house ambulance. The differences between the Chief's proposal and the Committee's proposal can't be changed overnight. A study of ambulance service is a 1995 priority and bringing up a month later that we do it - not why are we determining the feasibility if you're going to implement it. Seven Towns have all moved from in-house to private service again.

Mr. Blomgren suggested that we bring the Study Committee in to a BOS meeting.

Mr. Blomgren then stepped down from the chair.

Mr. Lawlor said when we step away from innuendos and casual character maligning, the speed with the Public Safety Director was determined by the BOS, not the Town Manager and it is the same with the ambulance issue. (to Mr. Joyce) if you have a specific forum, put it before the Board.

Mr. Brem said to Mr. Joyce that it is not fair to do this in two months.

Motion by Mr. Joyce to instruct the Town Manager that he go forward with implementing a Town-owned ambulance for FY96. Motion failed for lack of a second.

At 9:35 p.m. motion by Mr. Joyce, seconded by Mr. Brem, unan. to adjourn.

For the Board of Selectmen, by

J. B. E. Carter